AGENDA

DAKOTA COUNTY Physical Development Committee of the Whole

May 12, 2009

9:00 a.m.

(or immediately following the Community Services Committee of the Whole meeting)
Conference Room L139, 14955 Galaxie Avenue, Apple Valley, Minnesota

1. Call to Order and Roll Call Note: Any action taken by the Committee of the Whole constitutes a recommendation to the County Board. 2. Introduction of New Staff 3. Anyone in the audience wishing to address the Physical Development Committee of the Whole on an item not on the agenda or an item on the Consent Agenda may come forward at this time. Comments are limited to five minutes. 4. Approval of the Agenda (Additions/Corrections/Deletions) CONSENT/INFORMATION AGENDA 5. 5.1 Administration (Physical Development Division) - Minutes Of Meeting Held April 14, 2009...........3 5.2 Parks and Open Space - Authorization To Execute Contract With Graphic Industries, Inc. For Final 5.3 Parks and Open Space - Approval Of Transportation Enhancement Project Submittals For Transportation Advisory Board Safe Accountable Flexible Efficient Transportation Equity Act - A 5.4 Transportation - Approval Of Surface Transportation Program And Highway Safety Improvement Program Project Submittals For Transportation Advisory Board Safe Accountable Flexible Efficient Transportation - Approve Contract Amendment And Authorize Budget Amendment For County 5.5 _____23 Project 42-91 5.6 **REGULAR AGENDA** 6. 6.1 Transportation/Transit - Response to Metropolitan Council's Request To Identify Dakota County's Environmental Management - Approval of Major Modification To SKB Industrial Waste Landfill And 6.2 Demolition Waste Landfill 40 OMB / Operations Management - Consideration And Authorization To Apply For Energy Efficiency 6.3 Transportation - Direction On Streetscaping And Discussion Of Design Elements For Cedar Avenue 6.4 Transitway – INFORMATION......57

Page 2

Dakota County Physical Development Committee of the Whole

May 12, 2009

8. Director's Update

Upcoming Events:

Today – 1:00 p.m. – Integrated Emergency Management Course Participant Orientation Conference L139 – Western Service Center

9. Adjournment

The next scheduled meeting is Tuesday, June 9, 2009, at 9:00 a.m. or immediately following the Community Services Committee of the Whole meeting.

Conference Room L139
14955 Galaxie Avenue, Apple Valley, Minnesota

For more information, please call 952-891-7005
Committee of the Whole agendas are available online at http://www.co.dakota.mn.us/CountyGovernment/CountyBoard/PhysDevCommitteeCalendar/default.htm

MINUTES

DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE OF THE WHOLE

April 14, 2009

Conference Room L139, 14955 Galaxie Avenue, Apple Valley, Minnesota

1. CALL TO ORDER AND ROLL CALL

Commissioner Paul J. Krause, Chair of the Physical Development Committee of the Whole, called the meeting to order at 10:00 a.m. Commissioners in attendance:

Commissioner Joseph A. Harris. District 1

Commissioner Kathleen Gaylord, District 2

Commissioner Thomas Egan, District 3

Commissioner Nancy Schouweiler, District 4

Commissioner Liz Workman, District 5

Commissioner Paul J. Krause, District 6

Commissioner Willis E. Branning, District 7

Also in attendance were:

Brandt Richardson, County Administrator

Lynn Thompson, Division Director

Jay Stassen, Assistant County Attorney

Jeanne Nash Hoffmann, Administrator Coordinator

2. INTRODUCTION OF NEW STAFF

There were no new staff to introduce this month.

3. AUDIENCE

Chair Krause asked if anyone in the audience wished to address the Committee on an item not on the agenda or if anyone wished to discuss an item on the Consent Agenda. No one came forward.

4. APPROVAL OF THE AGENDA

Motion by Commissioner Harris, Second by Commissioner Schouweiler, and passed on a 7-0 vote to approve the agenda for April 14, 2009, as presented.

5. CONSENT/INFORMATION AGENDA

Motion by Commissioner Egan, Second by Commissioner Workman, and passed on a 7-0 vote to approve the consent agenda. A change was made to Item 5.3 to add an effective date of January 1, 2009 to the resolve in the resolution. The item on page 2 of these minutes includes that addition.

5.1 - Minutes Of The March 24, 2009 Meeting

5.2 - Authorization To Submit Proposals To Legislative-Citizen Commission On Minnesota Resources

WHEREAS, the Legislative-Citizen Commission on Minnesota Resources (LCCMR) has issued a request for proposals for projects to be funded in the state Fiscal Year 2011; and

WHEREAS, staff has identified two project proposals that are consistent with the funding priorities of the LCCMR; and

WHEREAS, these projects include (1) Minnesota River Valley Greenway Implementation Project, and (2) Environmental Study of Lake Byllesby; and

WHEREAS, the two project proposal requests total \$1,300,000; and

WHEREAS, a potential third project may be submitted to LCCMR by the Metro Conservation Corridors (MeCC) consortium, of which Dakota County is a partner; and

WHEREAS, this MeCC project has not been finalized at this time, but would potentially include a funding request for the protection and restoration of natural areas within Dakota County; and

WHEREAS, these natural areas would be identified from the list of either already-approved FNAP project locations or drawn from projects submitted during the FNAP 2009 application round; and

WHEREAS, the proposed projects, if funded and successfully completed, will benefit the citizens and the environment and natural resources of Dakota County; and

WHEREAS, all initial project proposals must be submitted to the LCCMR by May 1, 2009.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to develop, sign, submit, and pursue the acceptance of proposals to the Legislative-Citizen Commission on Minnesota Resources for the above named projects, including a potential project submission from the Metro Conservation Corridors consortium; and

BE IT FURTHER RESOLVED, That the Physical Development Director shall report back to the Physical Development Committee of the Whole on the progress in securing funds for Dakota County projects through the Legislative-Citizen Commission on Minnesota Resources.

5.3 – Authorization To Execute Amendment To Host Fee Agreement With SKB Environmental, Inc. For SKB Industrial Waste Landfill In Rosemount

WHEREAS, SKB Environmental, Inc. (SKB) is the owner and operator of the SKB Industrial Waste Landfill located in Rosemount; and

WHEREAS, Dakota County and SKB have executed prior host fee agreements concerning the SKB Industrial Waste Landfill whereby SKB agreed to pay host fees to the County as the host community for certain wastes; and

WHEREAS, SKB and Dakota County executed a new host fee agreement with a term from January 1, 2009 through December 31, 2012; and

WHEREAS, language included in the previous host fee agreement between the County and SKB exempted SKB from paying host fees on industrial wastes which had been processed at an 85% level, as defined by Minn. Stat. §115A.919; and

WHEREAS, the language referencing Minn. Stat. §115A.919 was removed from the current host fee agreement between the County and SKB, without either party realizing the implications of such removal, at the time this agreement was executed; and

WHEREAS, Section 7.10 of the current host fee agreement between Dakota County and SKB requires any amendments to the agreement to be in writing and signed by both parties.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Board Chair to execute an amendment of the current host fee agreement between Dakota County and SKB Environmental, Inc. to include language that will exempt SKB from host fee payments on industrial wastes processed in accordance with the requirements of Minn. Stat. §115A.919, effective January 1, 2009.

<u>5.4 – Authorization To Execute Agreement Amendment With State Of Minnesota For Vermillion River</u> Corridor Acquisition And Restoration Project

WHEREAS, in September 2007, Dakota County submitted a preliminary project proposal to the Legislative-Citizen Commission on Minnesota Resources (LCCMR) for the Vermillion River Corridor Acquisition and Restoration Project; and

WHEREAS, the purpose of the Vermillion River Corridor Acquisition and Restoration Project is to develop and begin implementing a comprehensive and integrated water quality, wildlife habitat, and outdoor recreational corridor plan in the Vermillion River watershed through easement and fee title acquisition and restoration; and

WHEREAS, the Minnesota Legislature, through Minnesota Law 2008, Chapter 367, Sec. 2, Subd. 3(b) appropriated up to \$400,000 (\$40,000 for the project plan and \$360,000 for acquisition and restoration) from the Minnesota Environmental and Natural Resources Trust Fund to the Commissioner of Natural Resources for an agreement with Dakota County for the Vermillion River Corridor Acquisition and Restoration Project; and

WHEREAS, Dakota County is committed to implementing the Vermillion River Corridor Acquisition and Restoration project as described in the work program that was submitted to and approved by the LCCMR; and

WHEREAS, the LCCMR required Dakota County to enter into a contract agreement with the Minnesota Department of Natural Resources (DNR) that identified the terms and conditions of the appropriation; and

WHEREAS, by Resolution No 08-382 (August 14, 2008), the Dakota County Board of Commissioners authorized the Acting Physical Development Division Director to execute an agreement with the DNR for the Vermillion River Corridor Acquisition and Restoration project as specified in the approved work program and to comply with all of the terms, conditions, and matching provisions of the associated contract agreement for a period from July 1, 2008, through June 30, 2011, subject to approval by the County Attorney's Office as to form; and

WHEREAS, Minnesota Law 2008, Chapter 367, Sec. 2, Subd. 3(b) also stated "On January 2, 2009, the unobligated balance of the appropriation for Dakota County wildlife habitat acquisition and development in Laws 1999, chapter 231, section 16, subdivision 13, paragraph (m) is transferred and added to this appropriation"; and

WHEREAS, the unobligated balance in the 1999 Dakota County habitat appropriation was \$149,965 as of January 2, 2009; and

WHEREAS, an amendment to the Vermillion River Corridor Acquisition and Restoration project agreement with DNR is required to transfer \$149,965 of additional project implementation funding to Dakota County; and

WHEREAS, eligible project expenses will be paid initially by the County and reimbursed by the State of Minnesota according to the terms of the aforementioned amended agreement; and

WHEREAS, the 2009 Parks and Open Space Department budget will include the expenditure and reimbursement of County funds for planning and implementing the Vermillion River Corridor Acquisition and Restoration project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute Amendment No. 1 to Grant Number B18074, as presented to the Dakota County Physical Development Committee of the Whole on April 14, 2009, with the DNR for providing an additional \$149,965 to Dakota County for implementing the Vermillion River Corridor Acquisition and Restoration project as specified in the approved, amended work program, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2009 Parks and Open Space budget is hereby amended as follows:

ExpenseVermillion Corridor Acquisition and Restoration **Total Expense**

\$149,965

149,965

Revenue

Transfer of 1999 state appropriation funds to the Vermillion River Corridor Acquisition and Restoration Project **Total Revenue**

149,965

149,965

5.5 – Authorization To Execute Joint Powers Agreement With City Of Mendota Heights For Feasibility Study Of Highway 110/149 Intersection

WHEREAS, Dakota County has planned and developed the North Urban Regional Trail (NURT) in the Cities of Lilydale, Mendota Heights, West St. Paul, and South St. Paul to provide safe and enjoyable, non-motorized outdoor recreation and transportation; and

WHEREAS, the adopted park system plan includes a system of multi-purpose greenway corridors throughout the County; and

WHEREAS, one of the identified greenway corridors would connect Lebanon Hills Regional Park (LHRP) with the NURT in the City of Mendota Heights near the Highway 110 / 149 intersection; and

WHEREAS, the Highway 110 / 149 intersection does not currently facilitate a safe and enjoyable use of the NURT or a possible connection with a planned greenway corridor connecting the trail with LHRP; and

WHEREAS, the City of Mendota Heights is interested in exploring design options for improved pedestrian and bicyclist movement through the Highway 110 / 149 intersection; and

WHEREAS, the estimated cost of the Highway 110 / 149 intersection feasibility study is \$21,500; and

WHEREAS, the City of Mendota Heights is interested in entering into a Joint Powers Agreement with Dakota County to explore design options and estimated costs that would best meet County and City needs; and

WHEREAS, the City requests the County pay \$6,000 towards the costs of the Feasibility Study to explore design options, with the City covering all other costs associated with the study.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a Joint Powers Agreement with the City of Mendota Heights, in substantially the same terms as the Joint Powers Agreement presented to the Physical Development Committee of the Whole on April 14, 2009, to expend up to \$6,000 to complete a Feasibility Study for pedestrian and bicyclist crossing improvements at the Highway 110 / 149 intersection, which includes design interests of the County related to the NURT and greenway connection to LHRP, subject to approval by the County Attorney's Office as to form.

5.6 – Ratification Of Application And Authorization To Execute Agreement For Potential Federal Recreation Transportation Grant At Lebanon Hills Regional Park

WHEREAS, a 2009 County Board Goal is to increase non-county transportation and parks and open space funding; and

WHEREAS, the Federal Recreation Transportation grant program administered by the Minnesota DNR is seeking applications to award \$3,000,000 for trail related projects within Minnesota; and

WHEREAS, applications were due on February 27, 2009, with grants awarded in June 2009 for projects to be completed by June 2011; and

WHEREAS, the DNR requires a resolution from the County Board approving potential acceptance of the grant; and

WHEREAS, the grantee must commit that the project will be open and available for use, as well as maintained for no less than 20 years; and

WHEREAS, the grantee must provide a resolution from the local unit of government accepting the grant (if awarded) and committing to the 20 year maintenance requirement; and

WHEREAS, a grant application was submitted by Dakota County to meet the February 27, 2009 deadline; and

WHEREAS, the grant will fund the improvement of 1.0 mile of additional beginner mountain bike trail and a skills park at the Lebanon Hills Regional Park mountain bike facility; and

WHEREAS, the County Attorney advises that the 20-year maintenance obligation effectively requires that the County Board approve the grant application; and

WHEREAS, annual maintenance for the improvement is estimated at 50 staff hours/year plus \$100 in materials, which can be absorbed in the current operations budget; and

WHEREAS, the project cost is \$49,500 with a grant cash request of \$24,750 and a local match of \$24,750; and

WHEREAS, sufficient local match funds of \$17,250 are available in the 2009 Parks and Open Space CIP and Operation budgets and the remaining match of \$7,500 will be provided by in-kind services provided by the Minnesota Off Road Cyclists (MORC) under a contract with the County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby ratifies the application of the Federal Recreation Transportation grant; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute the grant agreement if offered to Dakota County, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby commits to maintaining the grant improvements for a period of 20 years.

5.7 – Authorization To Submit Application For Department Of Natural Resources Dam Safety Grant

WHEREAS, Dakota and Goodhue Counties are responsible for the operation and maintenance of the Byllesby Dam and Dakota County serves as the administrator and fiscal manager for Byllesby Dam revenues and expenditures; and

WHEREAS, Byllesby Dam is jointly owned by Dakota County (60%) and Goodhue County (40%), and Dakota County invoices Goodhue County 40% of the maintenance and operation costs incurred; and

WHEREAS, the Federal Energy Regulatory Commission (FERC) regulates the Byllesby Dam and requires dam owners to investigate design, condition and public safety issues at the dam; and

WHEREAS, FERC has stated that while the dam itself is safe, it has concerns that the dam cannot adequately pass the Probable Maximum Flood (PMF) without causing physical damage, and physical upgrades to the dam are required; and

WHEREAS, since physical upgrades to the dam will be expensive, staff asked FERC to allow the Counties to reevaluate the PMF; and

WHEREAS, FERC has agreed to allow the Counties to reevaluate the Probable Maximum Precipitation (PMP) model and corresponding PMF, before requiring specific physical upgrades; and

WHEREAS, County Board Resolutions No. 08-427 and 08-662 authorized the execution of contracts to conduct Probable Maximum Precipitation (PMP) and Probable Maximum Flood (PMF) models; and

WHEREAS, the Minnesota Department of Natural Resources (MDNR) has a Dam Safety Grant program designed to assist local units of government in the repair, reconstruction, and removal of dams; and

WHEREAS, the MDNR Dam Safety Grant application is due to the MDNR in June 2009 and the MDNR forwards grant requests to the state legislature for possible sate bonding appropriations; and

WHEREAS, the Goodhue County Board of Commissioners will also be taking action on this grant application at its April 2009 meeting; and

WHEREAS, if Dakota County is offered a Dam Safety Grant, it may enter into an agreement with the MDNR to upgrade the Byllesby Dam subject to the conditions and terms of the grant; and

WHEREAS, the MDNR Dam Safety Program has specific grant agreement resolution language required as part of the application process as incorporated below.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners, hereinafter referred to as the "Applicant", hereby authorizes the Physical Development Division Director to submit a Dam Safety Grant application to the Minnesota Department of Natural Resources for grant dollars to off-set the costs associated with physical upgrades to Byllesby Dam and act as legal sponsor for the project described in the Department of Natural Resources Dam Safety Program grant application, contingent upon the Goodhue County Board of Commissioners resolution authorizing the same; and

BE IT FURTHER RESOLVED, That the Applicant has the legal authority to apply for financial assistance and the institutional, managerial and financial capability to carry out the project; and

BE IT FURTHER RESOLVED, That upon approval of its application by the State, the Applicant may enter into an agreement with the State for the above-referenced project, and by further resolutions of the Dakota and Goodhue County Boards of Commissioners, Lynn Thompson, Physical Development Director, may be authorized to execute the Dam Safety Program grant agreement, subject to approval by the Dakota County Attorney's Office as to form, and act as the Applicant's authorized agent for the purpose of administration of the grant and certification to comply with all applicable laws and regulations as stated in the grant agreement.

<u>5.8 – Authorization To Execute Joint Powers Agreement With Vermilion River Watershed Joint Powers Organization For Groundwater Monitoring, Studies, And Public Outreach</u>

WHEREAS, the Dakota County Water Resources Department is currently conducting studies and coordinating public outreach and communication programs that have direct benefits to the Vermillion River Watershed; and

WHEREAS, on March 26, 2009, the Vermillion River Watershed Joint Powers Board (VRWJPB) approved a resolution to enter into a Joint Powers Agreement with Dakota County to provide funding assistance for groundwater monitoring, studies, and public outreach programs currently underway in the County; and

WHEREAS, the Dakota County Water Resources Department is working on programs that are consistent with the approved 2009 VRWJPO Budget and that help fulfill the goals and objectives of the Vermillion River Watershed Plan; and

WHEREAS, this Joint Powers Agreement between the County and the VRWJPO would result in increased government efficiency and would avoid duplication between these entities.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Board Chair to execute a joint powers agreement with the Vermillion River Watershed Joint Powers Board through which the Vermillion River Watershed Joint Powers Organization will provide funding assistance in the amount of \$63,400 for the following studies and programs, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2009 Water Resources Department Budget is hereby amended as follows:

Expense

Hydrogeology and Groundwater/ Surface Water Interaction Study

\$22,000

Hastings Area Nitrate Study, Phase III	10,400
Ambient Groundwater Quality Study	21,000
South Branch Groundwater Study	7,000
Wetland Health Evaluation Program	3,000
Total	63,400
Revenue Vermillion River Watershed Joint Powers Organization Total	63,400 63,400

5.9 – Plat Commission Update – Information only; no action was requested.

6. REGULAR AGENDA

6.1 - Update On Capx2020 Transmission Line Project

Office of Planning and Analysis Senior Planner John Mertens introduced Tim Carlsgaard from Capx2020, Tom Hillstrom, from Xcel Energy, and Dan Lescher, from Great River Energy. They explained that Capx2020 is a joint initiative of 11 transmission-owning utilities. A presentation was given that highlighted Capx2020 transmission capacity expansion plans by 2020 that will alleviate emerging electrical reliability concerns around the state, will be a critical foundation for future transmission and generation, that will provide needed transmission capacity to support new generation outlet, that will cost \$1.4 - \$1.7 billion in 2007, and will be in service between 2012 and 2015. They showed the northern route that goes through Eureka, Castle Rock and Vermillion Townships and connects to the substation north of Hampton. They also showed the southern route which travels the south edge of Eureka Township along CR 86 then continues easterly along CR 88 to CR 47, connecting to TH 56/52 and traveling northerly to the substation north of Hampton.

Paula Macabee, representing the Citizens Energy Task Force (1965 Sibley Avenue, St. Paul, MN), addressed the Committee and stated that citizens want to make sure the lines are used for transmission of wind power. She indicated that Capx2020 is calculating higher levels of electrical usage than will actually be required. She asked that the Committee support a request to reopen the record for the Certificate of Need.

Beverley Topp, Chair of the Citizens Energy Task Force (26045 Ipava Avenue W., Lakeville, MN), briefed the Committee. Speaking from prepared notes, Ms. Topp briefed on the health concerns of residents along the line and requested that the County support the request that the Public Utilities Commission reopen the record for the Certificate of Need, to include additional evidence.

Doug Wille, 26109 Northfield Boulevard, and Chair of the Hampton Town Board, addressed the Committee. He indicated that the Township did not have sufficient input into the process with only one visit from a representative in 2007. He asked the County to consider the impacts that this would have on Dakota County and Hampton Township. He asked that if this project moves forward, the County Board work for fair compensation for the land owners.

Trish Johnson, 3940 220th Street East, Hampton, MN, addressed the Committee. She briefed on the residents along the route and how each are impacted by the transmission line. She requested that the County use their representative on the Task Force to look at the potential impacts of this transmission line.

Joel Holmberger, 23411 Dakota Avenue, New Market, MN addressed the Committee. He indicated that the Scott County Board of Commissioners took action against the power line. He requested that Dakota County do the same.

Motion by Commissioner Harris, Second by Commissioner Egan and passed on a 7-0 vote to recommend that the County Board adopt the following resolution:

Request Public Utilities Commission To Reopen Record For Certificate Of Need For Capx2020 Transmission Line Project

BE IT RESOLVED, That the Dakota County Board of Commissioners hereby recommends that the Public Utilities Commission should consider reopening the record for the Certificate of Need based upon changes to current and future electric needs to assure the proposed lines are needed.

6.2 - Update On Dakota County Energy Policy Development

Environment and Natural Resources Director Michelle Beeman, and OMB Management Analyst Debra Miller briefed the Committee on the progress of the three goals established in November 2008: reduce, renew, restore, and the objective theme areas of motivate, model, anticipate the future, advocate, and make operational improvements. They briefed on the results of the Green House Gas inventory and responded to specific questions. They explained that Phase 1 only measured the GHG emissions within the County's facilities. Phase 2 will be County wide and will include schools, communities and residents. They will return in the summer of 2009 with the final report.

This was an information item; no action was requested.

6.3 – Update on Livable Communities Act Fund And Right Of Way Loan Acquisition Fund Transfer Legislation

Physical Development Director Lynn Thompson introduced this item. Kari Gill from the CDA responded to specific questions on how the transfer of funds could affect CDA programs.

This was an information item; no action was requested.

DIRECTOR'S REPORT

Lynn Thompson provided a brief director's report including work that was being explored between Dakota and Scott Counties regarding Scott County parks and the sharing delivery of service. Staff were directed to continue as they had been doing rather than going into a joint powers agreement. Staff were also directed to discuss these same opportunities with Washington County in parks and also transportation.

LEGISLATIVE UPDATE

The Legislative Update was provided at the Community Services Committee of the Whole meeting.

ADJOURNMENT

Commissioner Paul J. Krause adjourned the meeting at 12:07.

Respectfully submitted:

Jeanne Nash Hoffmann

Administrative Coordinaton

5.2 - Authorization To Execute Contract With Geograph Industries, Inc. For Final Design, Fabrication And Installation Of Park System Signage

Meeting Date:	5/12/09			Fis	cal/FTE Impact:
Item Type:	Consent-Action			\boxtimes	None
Division:	PHYSICAL DEVELOPI	MENT		\boxtimes	Amount included in current budget
Department:	Parks And Open Space	!			Budget amendment requested
Contact:	Steve Sullivan	Telephone: 952-89	91-7083		FTE included in current complement
Prepared by:	Bruce Blair				New FTE(s) requested–N/A
Reviewed by:	Advisory Committee	N/A	•		Other

PURPOSE/ACTION REQUESTED

Authorization to execute a contract with GeoGraph Industries, Inc. for final design and construction of the Park System Signage Phase I project (Project).

SUMMARY

On December 5, 2002, the Physical Development Committee reviewed the Park System Signage and Landscape Elements Plan (Plan), as an informational item. The Plan includes six predominant sign types including two entrance signs, two kiosk designs, and two vehicle directional signs (Attachment A: Park System Signage Plan Graphics). The 2008 approved Park System Plan references the need for improved and additional signs for public orientation and creating a recognizable identity for the County park system. The Park System Plan specifically recommends sign plan implementation as a priority at all five regional parks and Thompson County Park. Also, the Park branding process improvement identified signage as a key public communication strategy.

Funds for limited implementation of the Plan were first included in the Parks Department 2006 and 2007 Capital Improvement Program. Bids for implementation were solicited in 2008 but staff concluded that per unit costs were excessive. To reduce costs, staff provided direction to prospective bidders to incorporate industry preferred construction methods and materials for the six sign types.

Scope Of Park System Signage Phase I Project

The Project consists of design refinement, preparing shop drawings, fabrication and installation of a sign package selected by the County. Phase I prioritizes the installation of approximately nine entrance sign types, six kiosk and eleven directional signs at higher use facilities to improve way finding. Bid proposals include one unit price for each of the six sign types, assuming a quantity of one sign constructed (Bid A), and a second unit price for each of the six sign types, assuming a quantity of two or more of each sign type constructed (Bid B). The County can implement Phase I through the selection of any combination of the six sign types based on the unit costs that bring the greatest benefit to the park system and are within the project budget. The design refinement process, led by the successful bidder, will be an iterative one with Park and Open Space Department and Communications Department staff. The Physical Development Committee will be informed during the design refinement process.

Bids Received

Bids were received and tabulated on April 28, 2009, with seven bidders submitting (Attachment B: Bid Summary).

Staff reviewed the bids and concludes that the firm of GeoGraph Industries, Inc. is qualified and has provided the most advantageous bid for the final design and construction of Phase I. GeoGraph Industries, Inc. bid prices for Phase I of nine entrance signs, six kiosks, and eleven directional signs totals \$108,943. Staff recommends a not-to-exceed contract based on the per sign unit bids in the amount of \$130,000 to allow for project contingency.

EXPLANATION OF FISCAL/FTE IMPACT

The 2009 Parks and Open Space Department Capital Improvement Program (CIP) budget includes \$124,925 for Park System Signage and Landscape Elements Plan implementation. Furthermore, the CIP contains \$95,916 for the completion of the Schaar's Bluff Gathering Center project, including approximately \$40,000 - \$50,000 budgeted for exterior signs.

000011

Supporting Documents:

Attachment A: Park System Signage Plan Graphics

Attachment B: Bid Summary

Previous Board Action(s):

RESOLUTION

Authorization To Execute Contract With GeoGraph Industries, Inc. For Final Design, Fabrication And Installation Of Park System Signage

WHEREAS, the 2008 approved Park System Plan referenced the need for improved and additional signs for public orientation and creating a recognizable identity for County parks; and

WHEREAS, the Park System Plan specifically recommends sign plan implementation as a priority at all five regional parks and Thompson County Park; and

WHEREAS, the Park System Signage Phase I project consists of implementation of the highest priority signs including approximately nine entrance sign types, six kiosk, and eleven directional signs; and

WHEREAS, the 2009 Parks and Open Space Capital Improvement Program (CIP) includes funding for the Park System Signage Phase I project; and

WHEREAS, pursuant to advertisement, bids were received for the Park System Signage Phase I final design and construction project until 3:00 p.m. on April 28, 2009; and

WHEREAS, bidders were required to submit a Bid A for not-to-exceed costs for the final design, fabrication, and installation of one of each of six different sign types; and

WHEREAS, staff reviewed the bids and the Park System Signage Phase I sign needs and concluded that the firm of GeoGraph Industries, Inc., has provided the most advantageous and lowest cost Bid A for the final design and construction of the Park System Signage Phase I project; and

WHEREAS, using the GeoGraph Industries, Inc. Bid A amounts, the Park System Signage Phase I can be implemented within project budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby awards the bid to and authorizes the Physical Development Director to execute the contract with GeoGraph Industries, Inc. for the Park System Signage Phase I project, for the not- to- exceed amount of \$130,000, subject to approval by the County Attorney's Office as to form.

Administrator's Comments:	Reviewed by (if required):
Recommend Action	County Attorney's Office
☐ Do Not Recommend Action	Financial Services
☐ Reviewed–No Recommendation	Risk Management
☐ Reviewed–Information Only	☐ Employee Relations
☐ Submitted at Commissioner Request	☐ Information Technology
Grandh Ruhad Son	
County Administrator (/)///	
5/6/2009 4:16 PM Page 2	

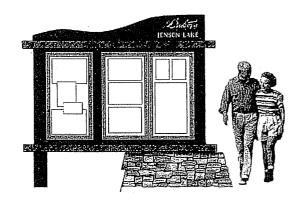
ATTACHMENT A



ENTRANCE SIGN A



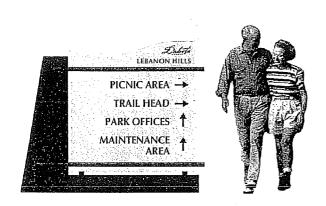
ENTRANCE SIGN B



KIOSK A



KIOSK B



DIRECTIONAL SIGN A



DIRECTIONAL SIGN B

Attachment B
Park System Signage Phase I
Bid Tabulation Summary
April 28, 2009

	Bids Requested: Bid A: Bid B:	ed: t: Total price f	or each of the	six sign types a	ssuming Count	y purchases one	quested: Bid A: Total price for each of the six sign types assuming County purchases one of each sign type Bid B: Total price for each of the six sign types assuming County purchases two or more of each sign type	n type
	Entrance Sign A	Entrance Sign B	Kiosk A	Kiosk B	Directional Sign A	Directional Sign B	Total A Bid	Total B Bid
Bidder	A Bid	A Bid	A Bid	A Bid	A Bid	A Bid	Amount	Amount
GeoGraph Industries, Inc., Harrison, OH	\$17,995	\$5,173	\$3,587	\$2,766	\$2,576	\$223	\$32,280	\$28,054
Adcon Inc., Fort Collins,	\$12,950	\$7,610	\$10,460	\$7,150	\$4,300	\$383	\$42,853	\$42,303
SDDI Sign Systems, Savage, MN	\$26,155	\$6,013	\$8,107	\$5,391	\$3,550	\$342	\$49,558*	Not Provided
Archetype Signmakers, Eagan, MN	\$31,700	\$16,400	\$8,640	\$5,080	\$4,420	\$228	\$66,468*	\$64,238*
Serigraphics Sign Systems, Inc., Minneapolis, MN	\$34,250	\$18,398	\$14,099	\$10,716	\$8,229	\$1,209	\$86,901	\$80,822
Architectural Signing, Inc., Norcross, GA	\$36,014	\$22,325	. \$32,255	\$13,655	\$5,479	\$106	\$109,834*	\$104,342
Morcon Construction, Inc., Golden Valley, MN	\$46,100	\$28,155	\$29,720	\$23,000	\$16,400	069\$	\$144,065	Not Provided

*Reflects corrected minor math error

5.3 - Approval Of Transportation Enhancement Project Submittals For Transportation Advisory Board Safe Accountable Flexible Efficient Transportation Equity Act - A Legacy For Users Solicitation Process

Meeting Date:	5/12/09		Fis	cal/FTE Impact:
Item Type:	Consent-Action			None
Division:	PHYSICAL DEVELOPA	MENT		Amount included in current budget
Department:	Parks And Open Space	•		Budget amendment requested
Contact:	Steve Sullivan	Telephone: 952-891-7088		FTE included in current complement
Prepared by:	John Mertens			New FTE(s) requested–N/A
Reviewed by:	N/A	N/A	\boxtimes	Other

PURPOSE/ACTION REQUESTED

 Approve projects to be submitted to the Transportation Advisory Board (TAB) for Title 1 of the Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) funding.

SUMMARY

The TAB is requesting project submittals for SAFETEA-LU funding under the Transportation Enhancements Program (TE). SAFETEA-LU funding provides up to 80 percent of the project construction cost. The grantee must provide at least 20 percent construction match and maintain the project for its useful life. Projects are being considered for 2013 and 2014. Project submittals are due on June 15, 2009. All proposed projects are consistent with adopted Dakota County Park System Plan.

County - TE Project Grant Submittals

The following projects are recommended for TE submittal by the County (Attachment A – TE Project Location Map):

- Mississippi River Regional Trail Spring Lake Park Reserve
- 2. Lebanon Hills Connector Trail East
- 3. Lebanon Hills Connector Trail West
- 4. Sidewalks along CSAH 73 between CSAH 14 to CSAH 8
- 5. Streetscape/Sidewalks along CSAH 23 from 163rd St. to 138th St.

City and County - TE Project Grant Submittals

A new approach is having four cities partner with Dakota County on potential TE projects. These trail projects are within the approved Dakota County Park System Plan. The general concept is that the city, in consultation with the County, will submit the TE project grant application. Prior to submittal and based on discussions to-date, the city will be asked to provide the County a letter of intent specifying project responsibilities. General discussions to-date is the city would submit the application, provide design and engineering and construction administration and inspection. The County would provide the local match and assume operations and maintenance of County owned facilities. In the event a grant project is funded, the city and County will negotiate the terms of a joint powers agreement (JPA) related to the project and the grant agreement. The County Board would be asked to consider approval of the grant and JPA.

The following projects are recommended for TE partnership submittal (Attachment A – TE Project Location Map):

- 1. Lake Marion/Juno Trail Extension from 185th St. to DNR Boat Landing (Lead Agency: Lakeville)
- 2. Mississippi River Regional Trail/Trailhead facility at Heritage Riverfront Park (Lead Agency: Inver Grove)
- 3. Pedestrian underpass at Dodd along North Urban Regional Trail (Lead Agency: Mendota Heights)
- 4. Minnesota River Trail between Cedar Avenue and I-35W (Lead Agency: Burnsville)

EXPLANATION OF FISCAL/FTE IMPACT

The proposed projects are not within the approved 2009-2013 Dakota County Capital Improvement Program. If a grant is awarded, the County Board will be asked to consider inclusion in the 2010-2014 Dakota County Capital Improvement Program. The estimated 20% local construction match for the nine grants totals \$1.65M. It's unlikely that all TE grants submittals will be selected.

Supporting	Documents:
------------	------------

Attachment A: Transportation Enhancement (TE) Projects

Previous Board Action(s):

RESOLUTION

Approval Of Transportation Enhancement Project Submittals For Transportation Advisory Board Safe Accountable Flexible Efficient Transportation Equity Act - A Legacy For Users Solicitation Process

WHEREAS, the Transportation Advisory Board (TAB) is requesting project submittals for Safe Accountable Flexible Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) funding for 2013 and 2014 under the Transportation Enhancements Program (TE); and

WHEREAS, SAFETEA-LU funding provides up to 80 percent of project construction costs; and

WHEREAS, the grantee must provide at least 20 percent construction match and maintain the project for its useful life; and

WHEREAS, project submittals are due on June 15, 2009; and

WHEREAS, all the TE projects are within the approved Dakota County Park System Plan; and

WHEREAS, four cities have expressed interest partnering with Dakota County on four TE projects; and

WHEREAS, in general the city would submit the application, provide design and engineering and construction administration and inspection, and

WHEREAS, in general the County would provide the local match and assume operations and maintenance of County owned facilities; and

WHEREAS, the cities will be asked provide a letter of intent to Dakota County prior to submittal; and

WHEREAS, in the event a grant project is awarded, the city and Dakota County will negotiate the terms of a joint powers agreement related to the project and the grant agreement; and

WHEREAS, in the event a grant project is awarded, the County Board would be asked to consider approval of the grant and joint powers agreement at a future meeting.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following projects for submittal to the TAB for SAFETEA-LU funding:

County - Transportation Enhancement Projects

- 1 Mississippi River Regional Trail Spring Lake Park Reserve
- 2 Lebanon Hills Connector Trail East
- 3 Lebanon Hills Connector Trail West
- 4 Sidewalks along CSAH 73 between CSAH 14 to CSAH 8
- 5 Streetscape/Sidewalks along CSAH 23 from 163rd St to 138th St.

; and

Administrator's Comments:	Reviewed by (if required):
Recommend Action	County Attorney's Office
☐ Do Not Recommend Action	Financial Services
☐ Reviewed–No Recommendation	Risk Management
☐ Reviewed–Information Only	☐ Employee Relations
☐ Submitted at Commissioner Request	☐ Information Technology
Merch Ruhadsox	
County Administrator	
5/7/2009 9:14 AM Page 2	210000

h:\final pdc\archive - 2009\may 12, 2009\jm5-12 safeteau-lu w igh.doc

ひひひひんじ

BE IT FURTHER RESOLVED, That subject to award of grant, the Dakota County Board of Commissioners would be asked to consider authorization to execute the grant agreement at a future meeting; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the following partnership projects for submittal to the TAB for SAFETEA-LU funding:

City and County - Transportation Enhancement Projects

- 1 Lake Marion/Juno Trail Extension from 185th St. to DNR Boat Landing (Lead Agency: Lakeville)
- 2 Mississippi River Regional Trail Trailhead facility at Heritage Riverfront Park (Lead Agency: Inver Grove)
- 3 Pedestrian underpass at Dodd along North Urban Regional Trail (Lead Agency: Mendota Heights)
- 4 Minnesota River Trail between Cedar Avenue and I-35W (Lead Agency: Burnsville)

; and

BE IT FURTHER RESOLVED, That subject to award of a grant for a partnership project, the Dakota County Board of Commissioners will be asked to consider approval of a joint powers agreement with the city at a future meeting; and

BE IT FURTHER RESOLVED, That subject to award of grant, the Dakota County Board of Commissioners would be asked to consider project inclusion in the 2010-2014 Dakota County Capital Improvement Program.

Streetscape/Sidewalk along CSAH 23 (Cedar) Attachment A 3.) Underpass along NURT (Mendota Heights) **Enhancement Applications** Mississippi River Regional Trail 2.) Lebanon Hills Connector Trail - East 3.) Lebanon Hills Connector Trail - West Sidewalks along CSAH 73 (Oakdale) 1.) MRRT - Spring Lake Park Reserve 1.) Lake Marion/ Juno Trail (Lakeville) SAFETEA-LU 2009 4.) Minnesota River Trail (Burnsville) Regional Greenways/Trails Dakota County Lead Projects: 2.) MRRT Trailhead (Inver Grove) Partner Lead Projects: VERMILLION TWP8 73ROSEMBUNTE Lebanon Hills Regional Park EMPIRETWE North Urban Regional Trail FARMINGTON Big Rivers Regional Trail Dakota County Office of Planning and Analysis, 2009 BURNSVILLE Prepared by: 000018

5.4 - Approval Of Surface Transportation Program And Highway Safety Improvement Program Project Submittals For Transportation Advisory Board Safe Accountable Flexible Efficient Transportation Equity Act - A Legacy For Users Solicitation Process

Meeting Date:	5/12/09		Fi	scal/FTE Impact:
Item Type:	Consent-Action	•		None
Division:	PHYSICAL DEVELO	OPMENT		Amount included in current budget
Department:	Transportation/Park	s And Open Space		Budget amendment requested
Contact:	Brian Sorenson	Telephone: 952-891-7122		FTE included in current complement
Prepared by:	Brian Sorenson			New FTE(s) requested–N/A
Reviewed by:	N/A	N/A	\boxtimes	Other

PURPOSE/ACTION REQUESTED

 Approve Surface Transportation Program (STP) and Highway Safety Improvement Program (HSIP) projects to be submitted to the Transportation Advisory Board (TAB) and the Minnesota Department of Transportation (Mn/DOT) for Title 1 of the Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) funding.

SUMMARY

The TAB is requesting project submittals for Title I of the SAFETEA-LU funding under the Surface Transportation Program (STP), Congestion Mitigation/Air Quality Program (CMAQ), Transportation Enhancements Program (TE), and Bridge Improvement Replacement (BIR). Mn/DOT is also administering the solicitation process for two other categories of projects: Highway Safety Improvement Program (HSIP) and Rail Crossing Safety. SAFETEA-LU funding provides up to 80 percent of the project construction cost. The agency must commit to providing at least 20 percent local match and maintaining the constructed facilities for their useful life. Projects are being submitted for federal fiscal years 2013 and 2014. Project submittals are due on June 15, 2009.

Staff has identified projects together with our city partners for submittal based on the ability to meet the solicitation criteria. Projects recommended for submission under the Transportation Enhancements (TE) category will be reviewed by the Committee under a separate item at this meeting. A key factor in TAB's selection is that the project be included in the current County Transportation CIP and/or current Transportation Plan. SAFETEA-LU funds that are awarded to projects allow County funds to be used for other projects.

The following projects are recommended for submittal (Attachment A – Project Location Map):

- 1. Reconstruct CSAH 9 (Dodd Boulevard) from Scott County to the City of Lakeville boundary STP application. This project will construct shoulders and other safety improvements along this rural roadway in Eureka Township.
- 2. Reconstruct CSAH 9 (Dodd Boulevard) from CSAH 60 (185th Street) to CSAH 23 (Cedar Avenue) STP application. This project will improve CSAH 9 to a four-lane divided roadway along the alignment planned through the East/West Corridor Study, and would install a roundabout at the Highview Avenue intersection. The County will only move forward with this application if the City of Lakeville commits to providing the necessary right-of-way for the project.
- Construct intersection improvements at CSAH 31 (Pilot Knob Road) & CR 64 (195th Street) STP
 application. This project follows through on the draft recommendations of the Farmington Area Traffic
 Study.
- 4. Construct Intersection improvements at CSAH 32 & Nicollet Blvd HSIP application.

The following projects may be submitted contingent upon further discussion between County and City:

- 5. Construct an interchange at TH 13 & CSAH 5 STP application. Staff is currently working closely with the City of Burnsville to clarify how this application is best assembled and the roles of each agency.
- 6. Reconstruct CSAH 60 (185th Street) from west of CSAH 50 to Ipava Avenue in Lakeville. This project would improve CSAH 60 to a four-lane divided roadway, and include improvements to the CSAH 50 intersection.

All proposed projects are consistent with adopted County and Regional Transportation Plans. Staff will prepare applications in partnership with the City, Metropolitan Council, Minnesota Valley Transit Authority and Mn/DOT.

EXPLANATION OF FISCAL/FTE IMPACT - The adopted 2009 to 2013 CIP includes projects 2 and 5. Projects 1, 3, 4 and 6 are proposed to be included in the draft 2010 – 2014 CIP.

000019

RESOLUTION

Approval Of Surface Transportation Program And Highway Safety Improvement Program Project
Submittals For Transportation Advisory Board Safe Accountable Flexible Efficient Transportation Equity
Act - A Legacy For Users Solicitation Process

WHEREAS, the Transportation Advisory Board (TAB) is requesting project submittals for Title I of the Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy For Users (SAFETEA-LU) funding under the Surface Transportation Program (STP), Congestion Mitigation/Air Quality Program (CMAQ), Transportation Enhancements Program (TE), and Bridge Improvement Replacement (BIR); and

WHEREAS, the Minnesota Department of Transportation (Mn/DOT) is administering the solicitation process for the Highway Safety Improvement Program (HSIP) and Rail Crossing Safety; and

WHEREAS, SAFETEA-LU funding provides up to 80 percent of project construction costs; and

WHEREAS, this federal funding of projects reduces the burden on local taxpayers for regional improvements; and

WHEREAS, the grantee must provide at least 20 percent construction match and maintain the project for its useful life; and

WHEREAS, project submittals are due on June 15, 2009; and

WHEREAS, all the STP and HSIP projects are consistent with the approved Dakota County Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the following Surface Transportation Program and Highway Safety Improvement Program projects for submittal to the TAB and Mn/DOT for SAFETEA-LU funding:

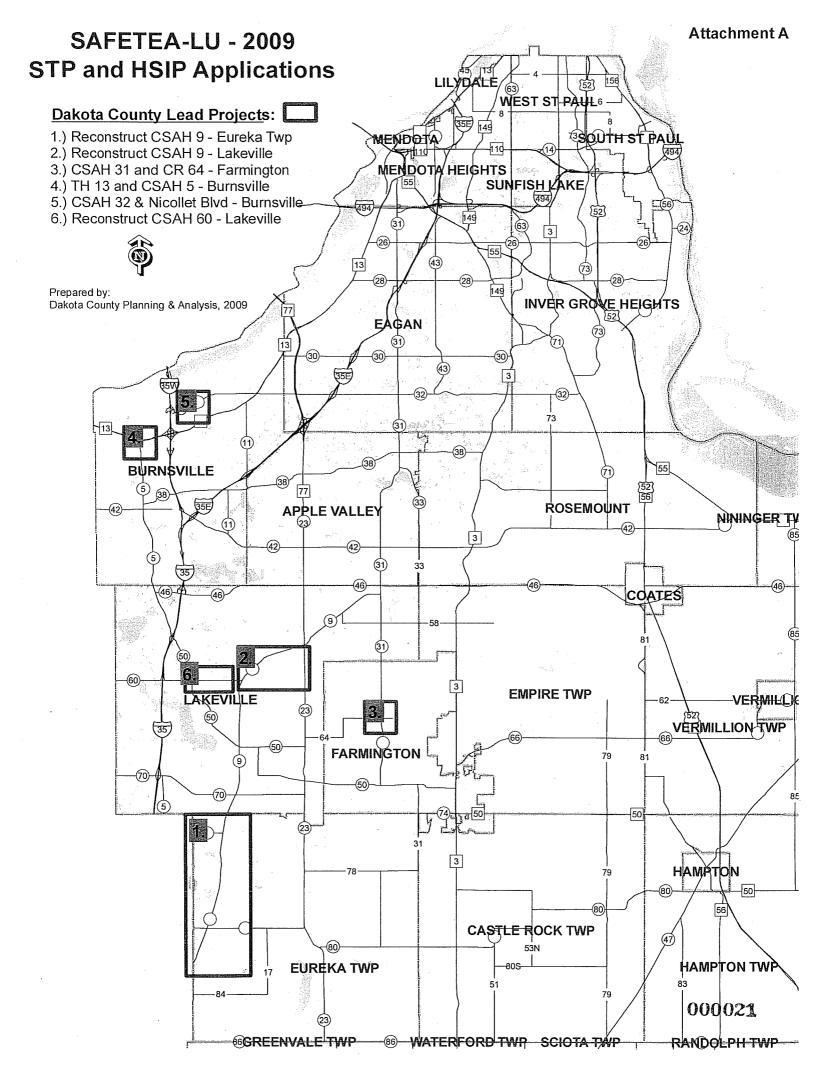
- 1. Reconstruct CSAH 9 from Scott County to the City of Lakeville boundary
- 2. Reconstruct CSAH 9 from CSAH 60 to CSAH 23
- 3. Construct intersection improvements at CSAH 31 & CR 64
- 4. Construct intersection improvements at CSAH 32 & Nicollet Boulevard
- 5. Construct an interchange at TH 13 & CSAH 5
- 6. Reconstruct CSAH 60 from west of CSAH 50 to Ipava Avenue.

; and

BE IT FURTHER RESOLVED, That, subject to federal funding award, the Dakota County Board of Commissioners will consider these projects for inclusion in the 2010-2014 Dakota County Capital Improvement Program.

Administrator's Comments:	Reviewed by (if required):	
Recommend Action	立 County Attorney's Office	
☐ Do Not Recommend Action		
☐ Reviewed–No Recommendation	Risk Management	
☐ Reviewed–Information Only	^r □ Employee Relations	
☐ Submitted at Commissioner Request	☐ Information Technology	
Grande Ruhaden		
County Administrator (M)		
5/6/2000 4:20 PM Page 2		

5/6/2009 4:29 PW Page 2



5.5 - Approve Contract Amendment And Authorize Budget Amendment For County Project 42-91

Meeting Date:	5/12/09		Fis	cal/FTE Impact:
Item Type:	Consent-Action			None
Division:	PHYSICAL DEVELOPM	ENT		Amount included in current budget
Department:	Transportation		\boxtimes	Budget amendment requested
Contact:	Mark Krebsbach	Telephone: 952-891-7102		FTE included in current complement
Prepared by:	Todd Howard	·		New FTE(s) requested–N/A
Reviewed by:	N/A	N/A		Other

PURPOSE/ACTION REQUESTED

- Approve a contract amendment for County Project (CP) 42-91.
- Amend the Transportation Capital Improvement Program (CIP) budget.

SUMMARY

County Board Resolution No. 01-767 (December 18, 2001) requires that the County Board approve construction contract amendments totaling more than \$100,000 on any given project. Currently, CP 42-91 from Glendale Road in Savage to CSAH 5 in Burnsville (Attachment A – Location Map) is estimated to overrun the original contract amount by \$715,000. The project is near completion. Trails, sidewalk, and miscellaneous restoration items need to be completed. Based on the work completed to date and estimated quantities of completing the remaining work this spring, the original contract with Shafer Construction Company in the amount of \$16,292,448.28 (Resolution No. 07-316; July 10, 2007), will overrun by \$715,000 or 4.4%.

The largest single item increase was bituminous. Bituminous quantities were 11% higher than anticipated or \$284,000 over the contract amount due to changes in staging and construction of temporary bypasses. This change in strategy allowed the contractor to complete the work with the least amount of traffic disruption. Retaining wall costs including the need for spread footings due to poor soil conditions, extra rebar, and treatments resulted in an additional \$153,000. Other smaller overruns include: traffic control devices, erosion control, bituminous saw cutting, and steel piling. Additional costs were also incurred for installing bus pads consistent with the new Transit Plan and in coordination with the Minnesota Valley Transit Authority. The County Engineer has reviewed these cost overruns and deemed them necessary.

The wall cost increases of \$153,000 were determined in the spring of 2008 with additional cost overruns discovered in the fall of 2008. Quantities to date were reconciled with the contractor this spring in an effort to determine the estimated final contract amount. Estimating the final contract amount avoids the need for multiple board actions for adjustments to the contract amount and allows the contractor to continue work without incurring costs for delay. These costs increases have been communicated to the City of Burnsville, City of Savage, and Scott County.

This project created unique budget and contract challenges because of the two year plus contract time, the complexity of the project, and the contract amount. Significant changes in future contracts of this nature will be shared on an ongoing basis through updates to the County Board. An update on status of other CIP projects will be provided to the County Board this summer.

EXPLANATION OF FISCAL/FTE IMPACT

The costs for the project are shared based on a joint powers agreement with the City of Burnsville and Scott County/City of Savage. The cost increase of \$715,000 results in an increased cost to Dakota County of approximately \$342,000. The 2009 Transportation CIP includes \$52,000 for Transit Infrastructure. A transfer of this amount is proposed to offset the additional work for the bus pads, which were not anticipated during plan preparation. A transfer of funds in the amount of \$290,000 is proposed from CP 73-18, construction and paving of a mile of County Road 73 between the Rosemount border and County State Aid Highway 32 in Inver Grove Heights. CP 73-18 will not be constructed in 2009 due to lack of available City funding.

Previous Board Action(s):

01-767; 12/18/01 07-316; 0710/07

RESOLUTION

Approve Contract Amendment And Authorize Budget Amendment For County Project 42-91

WHEREAS, County Board Resolution No. 01-767 (December 18, 2001) requires that the County Board approve construction contract amendments totaling more than \$100,000 on any given project; and

WHEREAS, on County Project 42-91, the original contract amount of \$16,292,448.28 (Resolution No. 07-316; July 10, 2007), will overrun by \$715,000; and

WHEREAS, the County Engineer has reviewed these cost overruns and deemed them necessary; and

WHEREAS, Dakota County's share of the cost overruns is estimated to be \$342,000; and

WHEREAS, the 2009 Transportation Capital Improvement Program (CIP) includes \$52,000 for Transit Infrastructure; and

WHEREAS, a transfer of \$52,000 is proposed to offset the additional work for the bus pads, which were not anticipated during plan preparation; and

WHEREAS, a transfer of \$290,000 is proposed from County Project 73-18, construction and paving of County Road 73 in Inver Grove Heights, since construction will not occur in 2009.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby amends the construction contract with Shafer Construction Company, Inc. for County Project (CP) 42-91 from \$16,292,448.28 to \$17,007,448.28; and

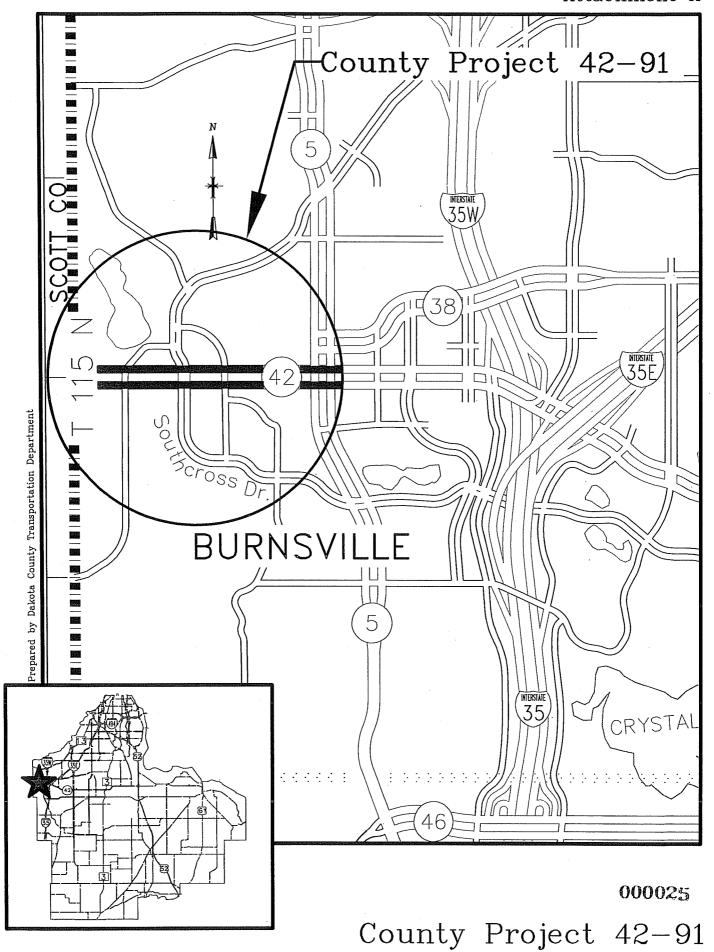
BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute the amendment to the construction contract with Shafer Construction Company, Inc. for County Project 42-91; and

BE IT FURTHER RESOLVED, That the 2009 Transportation CIP budget is hereby amended as follows:

Expense	
CP 42-91	\$715,000
Transit Infrastructure	(52,000)
CP 73-18	(290,000)
Total Expense	\$373,000
Revenue	,
City of Burnsville & Scott County	\$373,000
Total Revenue	\$373,000

Administrator's Comments:	Reviewed by (if required):	
Recommend Action	County Attorney's Office	
Do Not Recommend Action	Financial Services	
☐ Reviewed–No Recommendation	Risk Management	
☐ Reviewed–Information Only	Employee Relations	
Submitted at Commissioner Request	☐ Information Technology	
March Ruhodson		
County Administrator		
5/6/2009 4:20 PM Page 2		

h:\final pdc\archive - 2009\may 12. 2009\twh-5-12cp42-91contractoverun.doc



5.6 - Plat Commission Update

Meeting Date:	5/12/09		Fiscal/FTE Impact:
Item Type:	Consent-Information		None
Division:	PHYSICAL DEVELOPMENT		☐ Amount included in current budget
Department:	Surveyor's Office		☐ Budget amendment requested
Contact:	Todd Tollefson	Telephone: 952-891-7070	☐ FTE included in current complement
Prepared by:	Todd Tollefson		New FTE(s) requested–N/A
Reviewed by:	N/A	N/A	Other

PURPOSE/ACTION REQUESTED

• Inform the Physical Development Committee of the Whole of issues facing the Plat Commission.

SUMMARY

To provide for the orderly development of property in Dakota County, new subdivisions adjoining County highways are reviewed under the Dakota County Contiguous Plat Ordinance. The Ordinance requires new subdivisions adjoining County highways to comply with the County's access spacing and right of way guidelines in order that future highway corridors are preserved and future highways can be built to handle the increasing traffic safely and efficiently.

The meeting notes of the April 13, 2009 Plat Commission meeting are not attached due to lack of plat submission. The meeting notes of the April 27, 2009 Plat Commission meeting are attached.

EXPLANATION OF FISCAL/FTE IMPACT

None

Supporting Documents:

Attachment A: Plat Commission Minutes and Location Maps

Attachment B: Location Maps

Previous Board Action(s):

RESOLUTION

Information item; no action requested.

Administrator's Comments:	Reviewed by (if required):
☐ Recommend Action	County Attorney's Office
☐ Do Not Recommend Action	Financial Services
☐ Reviewed–No Recommendation	Risk Management
Reviewed–Information Only	☐ Employee Relations
Submitted at Commissioner Request	☐ Information Technology
(Shared & Land	
March Ruhol 800	
County Administrator	

DAKOTA COUNTY PLAT COMMISSION MEETING SUMMARY

April 27, 2009

The Plat Commission meeting began at 1:00 p.m. in Conference Room 1920. Members present included: Kurt Chatfield, Todd Tollefson, Brian Sorenson, Scott Peters, and Kristi Sebastian. Others included: Butch McConnell

1) Plat Name: AIRLAKE STATION (Map A)

City: Lakeville

County Road: CSAH 23 / CSAH 50 Current ADT: 9,900 / 15,700 Projected ADT: 17, 300 / 27,000

Current Type: 2-lane

Proposed Type: 4-lane divided R/W Guideline: 75 feet ½ ROW

Spacing Guideline: 1/8 right in/out, ¼ full on CSAH 50

Proposed Use: Multi-Commercial

Status: Concept

Location: NW 1/4, Sec 34-114-20

In attendance (06/14/04): Grant Jacobsen: Land Surveyor, Jack Matasosky: APPRO Development Inc,

Keith Nelson: City Engineer, David Olson: Community and Economic

Development Director

In attendance (04/27/09): Keith Nelson, City; David Olson, City; Daryl Morey, City; Chad Lockwood,

RLK; Steve Schwanke, RLK

REVIEW 06/14/04

This concept plan shows a proposed multi-commercial use with four access points, one onto CSAH 23 and three onto CSAH 50. Under current spacing guidelines, the access point at CSAH 23 and two access points at CSAH 50 do not meet the Dakota County Spacing Guidelines. This concept plan was tabled for the need to gather additional information and further the discussion with the Transportation Department and the City of Lakeville regarding access points and future intersections in this area. Comments will be made at the next Plat Commission meeting on June 28, 2004.

REVIEW 06/28/04

This concept plan was tabled at the June 14 meeting, with comments to be discussed at the June 28 meeting. This plan was discussed last week at a meeting with staff from the City of Lakeville and the Dakota County Transportation Department. County staff reiterated that an access to CSAH 23 does not meet access spacing guidelines and will not be permitted. The current preliminary plat does not meet current access spacing guidelines along CSAH 50. Road widening and lane configurations would need to be modified in this area to meet access spacing guidelines along CSAH 50. The County may consider an interim and ultimate access plan in this area. A traffic study is needed to evaluate the development impact on CSAH 50 and surrounding existing development. Evaluation of the plat and access needs will commence again once the study is received. SRF Consulting was hired to complete the Traffic Study. This concept plan was tabled until the Traffic Study is completed.

REVIEW 04/27/09

The property is located in the southeast quadrant of the CSAH 23/CSAH 50 intersection. The concept plan was revised from the 2004 concept reviews. It includes 266,900 square feet of commercial development on 41.6 acres. The plan proposes two city street accesses to CSAH 50 and one city street access to CSAH 23. Most of the discussion pertained to these access locations.

The right-in/right-out access to CSAH 23 as shown on the plan is approximately 400 feet from the CSAH 23/CSAH 50 intersection. If the access was moved to the southernmost portion of the property, the access spacing would be over 500 feet. In addition, the existing building to the south (Toro Distribution Center) has an access approximately 1050 feet from the CSAH 23/CSAH 50 intersection. The access spacing guidelines along CSAH 23 is one-quarter mile restricted access and one-half mile full access spacing. The current draft of the "Cedar Avenue Transitway Study – EA Update" shows no access to this site via CSAH 23. The developer stated that access to CSAH 23 is vital to the development.

The two accesses to CSAH 50 are shown as full accesses on the plan. The western access, which lines up with Gateway Drive to the north, is approximately 1/8-mile easterly of the CSAH 23/CSAH 50 intersection. The access spacing guidelines along CSAH 50 are one-eighth mile right-turns only access and one-quarter mile full access. The Plat Commission stated that only a right-in/right-out access would be allowed at the 1/8-mile location along CSAH50. There was also discussion regarding a local street connection from this plat to the future extension of CSAH 70 and a potential industrial development to the south.

The Plat Commission requested a traffic study be completed for the development. This study should include an assessment of access options for the site as part of the analysis. The developer will work with County Traffic staff on the specifics of the study.

2) Plat Name:

CLIFF RIVER RIDGE (Map B)

City: County Road: Burnsville CSAH 32

Current ADT: Projected ADT:

11,900 17,800

Current Type: Proposed Type: 4-lane divided 4-lane divided 75 ft ½ R/W

R/W Guideline: Spacing Guideline: Proposed Use:

1/4 mile Commercial

Status:

Preliminary

Location:

SE 1/4, NW 1/4, Sec 34-027-24

In attendance (04/27/09):

Ryan Peterson, City

REVIEW 04/27/09

The preliminary plat along CSAH 32 requires 75 feet of half right-of-way. As discussed with the City, the future alignment should move northerly to lessen the impact to develop Lot 1. The dedication area on CSAH 32 should begin 60 feet south of the existing centerline on the east line of the plat, thence westerly to a point where there is 75 feet of existing half right-of-way. On the north, the dedication area should begin 90 feet north of the existing centerline on the east line of the plat, thence westerly to a point where there is 75 feet of existing half right-of-way. Restricted access should be shown along all of CSAH 32.

RECOMMENDATION 04/27/09

The preliminary plat is approved with the above conditions.

3) Plat Name:

EAGAN SUBSTATION (Map C)

City:

Eagan CSAH 30

County Road: Current ADT:

13,100 (05) 18,900 (25)

Projected ADT:
Current Type:

4-lane divided 4-lane divided

Proposed Type: R/W Guideline: Spacing Guideline:

Proposed Use:

75 ft ½ R/W ¼ mile spacing Commercial

Status:

Preliminary

Location:

SW 1/4, SE 1/4, Sec 23-027-23

In attendance (04/27/09):

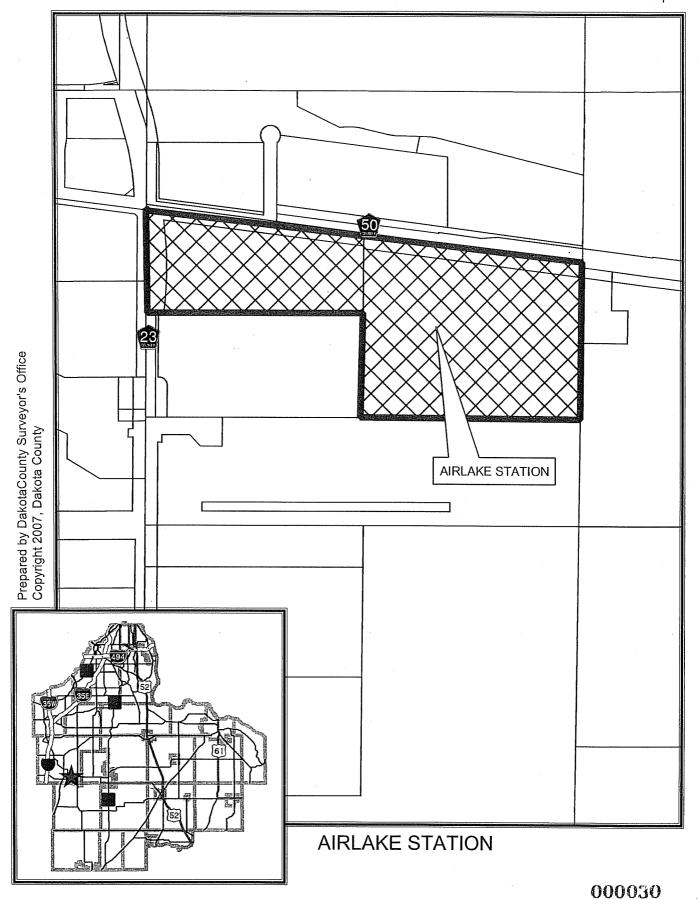
None

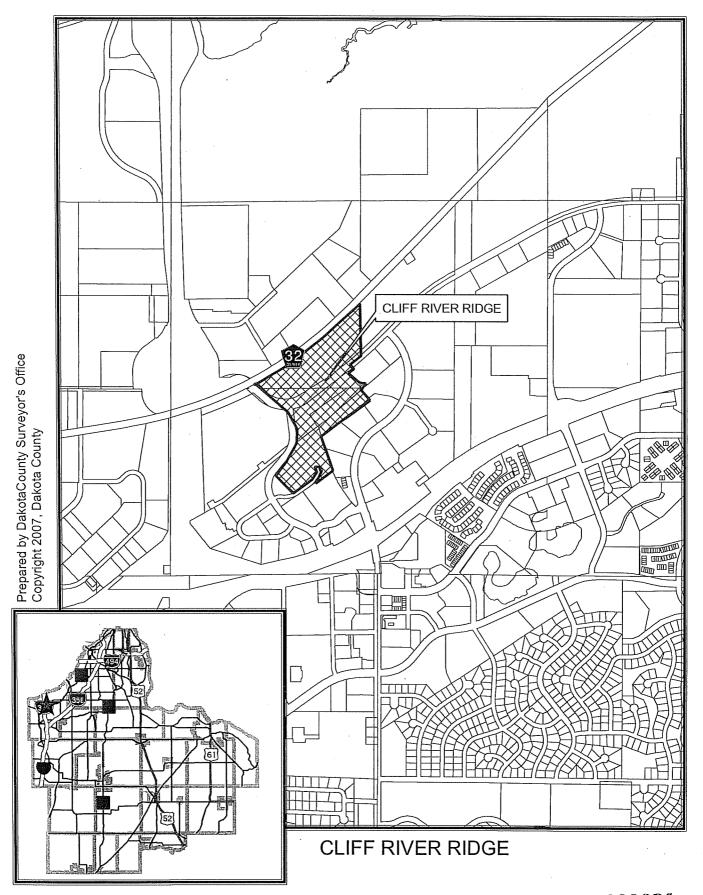
REVIEW 04/27/09

The right-of-way guidelines are 75 feet of half right-of-way, which is shown on the plat. The plat has existing access to CSAH 30 with a shared access with the adjoining school.

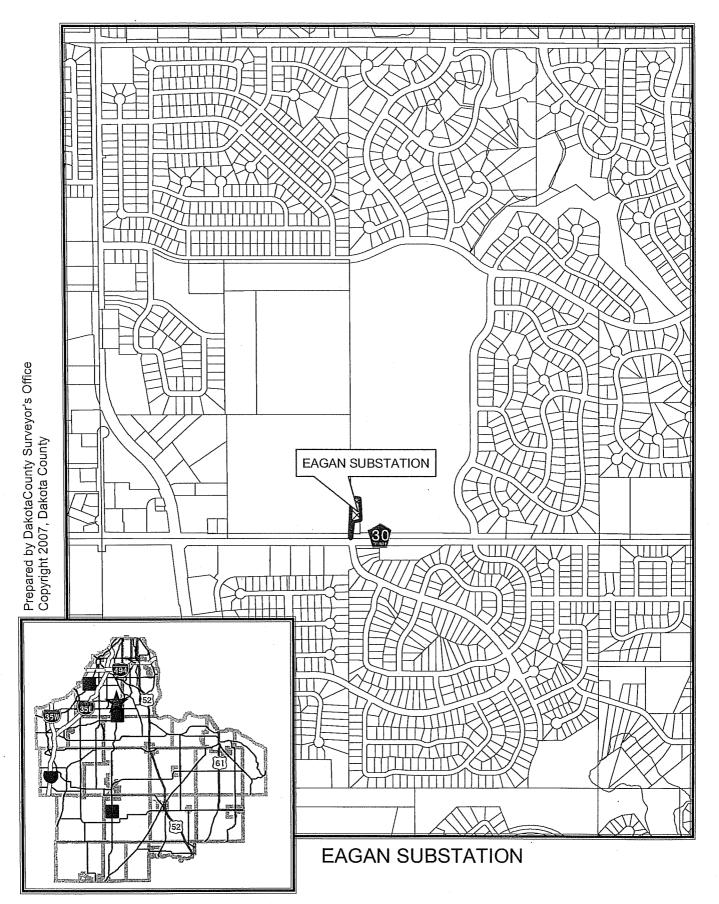
RECOMMENDATION 04/27/09

The preliminary and final plats were approved.





000031



000032

6.1 - Response To Metropolitan Council's Request To Identify Dakota County's Role In Delivering Restructured Regional Dial-A-Ride Services

Meeting Date:	5/12/09		Fi	scal/FTE Impact:
Item Type:	Regular-Action			None
Division:	PHYSICAL DEVELO	PMENT		Amount included in current budget
Department:	Transportation - Tra	nsit		Budget amendment requested
Contact:	Lynn Thompson	Telephone: 952-891-7007		FTE included in current complement
Prepared by:	Dan Krom	•		New FTE(s) requested–N/A
Reviewed by:	N/A	N/A	\boxtimes	Other

PURPOSE/ACTION REQUESTED

Respond to the Metropolitan Council's request to identify Dakota County's role in delivering restructured Regional Dial-a-Ride Services.

SUMMARY

The Metropolitan Council (Council) funds a number of locally controlled dial-a-rides (DAR), often referred to as Community Based DAR Programs, in the metropolitan area. On February 25, 2009, the Council approved a new Regional DAR Service Delivery Plan (Attachment A). The restructured program will be developed and delivered collaboratively between the Council and the counties through a Coordinated Advisory Committee (CAC). All existing contracts would be discontinued and the \$4.7 million in current funding would be reallocated across the seven metro counties based on a formula that considers total population, size of service area and transit dependent and disabled populations in the portion of the county not served by fixed route mid-day service. On March 24, 2009, Council staff presented an overview of the restructured program to the Physical Development Committee (PDC); County staff were asked to present the action item on this issue at the May 12 PDC meeting.

Following the March 24 meeting, County staff met with representatives of the current DAR providers in the County (DARTS and the City of Hastings) as well as Scott County staff to gather more information on their programs and identify issues and concerns regarding the restructured program (Attachment B). Some of these same issues were identified by Board members at the PDC meeting.

In response to the Council's request for County staff to serve on its CAC, the County Administrator has appointed the County's Deputy Social Services Director Tina Isaac and the County's Transit Manager Dan Krom. Based on information shared at the first CAC meeting, the Council intends an active, engaged and empowered role for the CAC representatives (Attachment C). Staff recommends that the County's CAC representatives work to address these issues and concerns as much as possible as the restructured program is implemented and operated.

Recommendations: The Council has requested (Attachment D: Council Letter) that each county elect to either:

- 1. Administer and directly operate or competitively procure the DAR transit service within their respective county; or
- 2. Defer to the Council to manage a competitively procured contract.

Scott and Carver Counties will continue to provide services as part of their county transit programs. Anoka County will continue to administer its DAR program through a third party contractor. Washington County has elected to have the Council administer the program; Hennepin and Ramsey Counties have not yet made a decision.

Staff assessed the impact of the options and recommends that the County defer to the Council to manage the restructured program at this time. Rationale for this recommendation includes the uncertainty of the program design and future funding for the program, the lack of administrative funds for the management of the service contracts, and the lack of flexibility in how the service would be delivered if the County did manage the contract. The Council has stated that the County could in the future choose to administer or operate the service.

EXPLANATION OF FISCAL/FTE IMPACT

If Dakota County elects to operate or directly procure DAR service, the Council would not provide funds for administrative costs. It is unknown at this time how the amount that the Council currently allocates for DAR in Dakota County would be reallocated under the restructured program or how the restructured program might impact other costs the County incurs for the transportation of clients in the Community Services programs.

Supporting Documents:Previous Board Action(s):Attachment A: Proposed Regional DAR Service Delivery Plan- ;Attachment B: Program Issues- ;Attachment C: Regional DAR Coordination Advisory Committee- ;Attachment D: Metropolitan Council Letter- ;

RESOLUTION

Response To Metropolitan Council's Request To Identify Dakota County's Role In Delivering Restructured Regional Dial-A-Ride Services

WHEREAS, the Metropolitan Council (Council) funds a number of locally controlled dial-a-rides (DAR), often referred to as Community Based DAR Programs, in the metropolitan area; and

WHEREAS, the Council assessed the program and determined that there were issues in the existing approach and process by which grants are awarded and service is provided; and

WHEREAS, on February 25, 2009, the Council approved a new Regional Dial- A Ride Service Delivery Plan; and

WHEREAS, a restructuring of the program will be developed and delivered collaboratively between the Council and the seven metro area counties through a Coordinated Advisory Committee (CAC); and

WHEREAS, the Council has requested that each county elect to either administer and directly operate or competitively procure the DAR transit service within their respective county; or defer to the Council to manage a competitively procured contract; and

WHEREAS, staff has assessed the impact to Dakota County of these options and has identified concerns with future funding for the program, the lack of administrative funds for the management of the service contracts, and the lack of flexibility in how the service would be delivered if the County did manage the contract; and

WHEREAS, based on these impacts, staff recommend that the County defer to the Council for procurement of services and administration of the program at this time; and

WHEREAS, staff recommends that the County reserve the right to reassess the administration and operation options in the future; and

WHEREAS, in response to a Council request that each county appoint two staff representatives to the CAC, the County Administrator has appointed the County's Deputy Social Services Director and the County Transit Manager as the County's representatives on the CAC; and

WHEREAS, at the first meeting of the CAC, the Council stated the CAC will have an active, engaged and empowered role in development the bid specifications, selection of the operators, development of operating policies and procedures, ongoing refinement to the program and communication of issues and concerns of service users and agencies to the Council; and

WHEREAS, staff has identified concerns and issues associated with the restructured program and recommends that CAC representatives continue to present these concerns to the Council as the restructured program is implemented and operated.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Board Chair to notify the Metropolitan Council of the County Board's desire to have the Council administer the Community Based Dial-A-Ride program in Dakota County; and

Administrator's Comments:	Reviewed by (if required):	
Recommend Action	County Attorney's Office	
Do Not Recommend Action	Financial Services	
☐ Reviewed–No Recommendation	Risk Management	
☐ Reviewed–Information Only	☐ Employee Relations	•
☐—Submitted at Commissioner Request	☐ Information Technology	
Branch Kudon 8000		
County Administrator		
5/6/2000 11:32 AM Page 2	W	

5/6/2009 11:32 AM Page 2 h:\final pdc\archive - 2009\may 12, 2009\dmk 5-12-09 dar plan.doc BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby reserves the right to reassess the County's role in the administration and operation of the program in the future; and

BE IT FURTHER RESOLVED, That staff is directed to work through their involvement in the CAC to address issues and concerns related to the DAR service as presented on May 12, 2009.



Attachment A

Metropolitan Council Item 2009-64 Attachment

Proposed Regional Dial-a-Ride Service Delivery Plan

- 1) Delivery of dial-a-ride services via county-wide programs that are either:
 - a) Directly administered and operated/competitively contracted by the county, or;
 - b) That are administered and competitively procured by the Council on behalf of the county.
- 2) The Council and each county form a coordinating advisory committee to develop and implement dial-a-ride service in each respective county and to establish inter-agency service coordination.
- 3) All service contracts are either competitively procured or directly operated by the county at competitive rates. Service contracts are designed to achieve operating consistency between programs and provide:
 - a) Service that is equally available to the general public no qualifying criteria or prioritization of trips
 - b) Standard maximum percentage of standing orders during each hour of the day
 - c) Curb-to-curb service with limited assistance
 - d) Regional dial-a-ride fare policy
 - e) Standard service policies (wait times, no-shows, service window, cancellations and suspensions)
- 4) Redirect current Council funding from dial-a-ride programs (non-ADA) to regional dial-a-ride program.
- 5) Required coordination with fixed route services.
- 6) Multiple year operating agreements.
- 7) Regional dial-a-ride service is adjusted and coordinated with the implementation of new transit services such as Cedar Avenue Bus Rapid Transit (BRT).

Metropolitan Council Restructure of Dial-a-Ride Program Issues and Concerns

General Programmatic Issues

- Funding is not adequate for demand, and it is not clear if significant additional funds will be available.
- \$4.7 million is available to be disbursed throughout the region. It does not appear that government
 entities will be able to provide direct funds to the providers for enhanced services due to legal and
 practical technicalities.
- The speed of change to the program with little current operator input or involvement of the counties before the plan was announced.
- The timing of the change- new operator(s) were to begin service on January 1, 2010. The Council is now planning to stagger the release of RFPs and new service dates throughout 2010 (1/1, 2/1, 4/1, 5/1). These staggered dates still result in the majority of change occurring during the winter months.

Impacts on Dakota County residents

- In terms of access, there will potentially be more service available countywide but without increased funding, existing resources will be spread out more.
- It is not clear how much service (funding) will be provided in Dakota County; the formula for redistribution of regional resources has not been finalized.
- The walking distance for residents living within the fixed route service areas is a concern; many current users of the DARTS service are elderly, and many suburban neighborhoods do not have sidewalks, raising safety concerns.
- The integration of this DAR service with fixed route service has not been determined
- Service will be curb-to-curb with limited assistance from drivers.

Role of the County

- The Coordination Advisory Committee, which includes two staff members from each county, will have an "active and robust" role in developing the program parameters, bid specifications and contractor selection, and communications with the Council.
- The meetings will be frequent until new operations begin and will continue thereafter for a considerable but indeterminate period of time.
- Human Services and transportation personnel are both deemed necessary to achieve the work and verify that the right services are being delivered.

Impacts on Current Dakota County Providers

- DARTS the restructure of the program will impact its ability to maximize equipment and operating
 revenues through coordination by potentially eliminating a portion of its funding. A significant number
 of users of the DAR service will no longer be eligible because of where they live.
- Hastings- The City has expressed concern that existing subscription users and others within their corporate limits will lose service. The City would like to continue its control of the program.

Regional Dial-a-Ride Coordination Advisory Committee (CAC) April 27, 2009

The Coordination Advisory Committee is an informal committee established by the Metropolitan Council to support the implementation and ongoing efforts of Council-funded dial-a-ride services in the seven county metro area.

Members: Each of the seven metro area counties shall be represented by two staff on the Coordination Advisory Committee (CAC). Preferably, both the social services and transportation functions within each county will be represented on the CAC. (To assure that the viewpoints of each county are adequately represented at the CAC within the timeline for implementing the Council's dial-a-ride service program, each county should assign proxies to attend meetings in the event the regular attendees are not available.) Council communications staff will also attend the meetings to provide communication and marketing support during the implementation phase.

Role:

During the dial-a-ride restructuring plan refinement and implementation phase (April 2009 to January 2010) the CAC will meet on a regular basis to:

- 1. Advise Council staff on operating parameters and procedures.
- 2. Make recommendations to the Council on policy related items including but not limited to the dial-a-ride fare structure.
- 3. Facilitate communication efforts with local stakeholders.

On an ongoing basis, the CAC will advise the Council on:

- 1. Stakeholder issues and concerns.
- 2. Performance of service providers.
- 3. Unmet needs within the counties.
- 4. Opportunities for new funding sources.
- 5. Opportunities for enhanced coordination between social service program needs and public transit.
- 6. Communication and marketing.

•

Metropolitan Council

March 6, 2009

Lynn Thompson Dakota County 14955 Galaxie Road Apple Valley, MN 55124

Dear Ms. Thompson:

The Metropolitan Council approved the Regional Dial-a-Ride service plan on February 25, 2009 and directed staff of its Metropolitan Transportation Services (MTS) division to implement the plan in early 2010. The Regional Dial-a-Ride initiative will redirect the \$4.7 M annual dial-a-ride operating assistance budget and \$.8 M in capital funding to a new, more streamlined service delivery scheme implemented in collaboration with each of the seven metropolitan area counties.

MTS staff has had discussions with each county about the administrative and service delivery options available to the county. To reiterate, each county has the opportunity to:

- directly operate or competitively procure and administer service within their respective county; or
- defer to the Council to manage a competitively procured contract.

Please advise me of the official county decision on this issue by April 30, 2009. Remember that today's decision is not permanently binding. The county has the option to reconsider their level of direct oversight at any time in the future.

On the near term, MTS is committed to implementing the service changes with as little inconvenience to current users as possible. On the long term, the Council wants to assure that the program meets the needs of residents within each county. Therefore, MTS is creating a Coordination Advisory Committee (CAC), with representatives from all seven counties and the Council, to review components of MTS' implementation plan and recommend policies and procedures during the transition. In addition, this committee will act as an ongoing advisory committee and members will be asked to forward local constituent concerns to the regional level so that they can be addressed. The CAC will be composed of two representatives from each county and Council representatives.

MTS is requesting that each county appoint two representatives to the CAC; preferably one person that has transit knowledge and one person from the human services area. The committee will convene in April and meet every other week until the implementation plan is established. Long term, the committee will meet at least quarterly but may meet more frequently as issues arise. Please email me at john.harper@metc.state.mn.us with the names of your designated representatives, including their contact information, no later than March 31, 2009.

Thank you for your assistance with this project.

RECEIVED

MAR 10 2009

PHYSICAL DEVELOPMENT

John Harper

Sincerely

Supervisor, Contracted Transit Service

john.harper@metc.state.mn.us

www.metrocouncil.org

6.2 - Approval Of Major Modification To S K B Industrial Waste Landfill And Demolition Waste Landfill

Meeting Date:	5/12/09		Fi	scal/FTE Impact:
Item Type:	Regular-Action			None
Division:	PHYSICAL DEVELOPMENT			Amount included in current budget
Department:				Budget amendment requested
Contact:	Jeff Harthun	Telephone: 952-891-7555		FTE included in current complement
Prepared by:	Mike Lynn/Rolland Meillier			New FTE(s) requested-N/A
Reviewed by:	N/A	N/A		Other

PURPOSE/ACTION REQUESTED

Approval of proposed major modification to the SKB Environmental, Inc. (SKB) multiple operation solid waste facility license for the SKB industrial waste landfill and demolition waste landfill, located in the City of Rosemount.

SUMMARY

SKB is currently licensed by Dakota County to operate a multiple operation solid waste facility, which includes an industrial waste landfill, a demolition waste landfill, a waste processing facility, and a transfer station in the City of Rosemount (Attachment A, Location Map). SKB has submitted to Dakota County an application for a major modification of its County license, which includes a proposal for the expansion of both the industrial waste landfill and the demolition waste landfill portions of this facility.

Major Modification

The proposed expansion of the industrial waste landfill would increase the capacity of this portion of the facility by 3,285,217 cubic yards, and would extend the life of the industrial waste landfill from the currently projected 15 years to a newly projected 21 years. The proposed expansion of the demolition waste landfill would increase the capacity of this portion of the facility by 3,033,176 cubic yards, and would extend the life of the demolition waste landfill from the currently projected 14 years to a newly projected 23 years. The total additional capacity of this proposed expansion for both landfills would be 6,318,393 cubic yards.

Minor Modifications

The following minor modifications to SKB's current multiple operation solid waste facility license, which require only Department approval, are recommended by staff: (1) increase the storage limit at the facility for concrete from the currently approved 10,000 cubic yards to 50,000 cubic yards; (2) prior to allowing the use of leachate for dust suppression, a Department approved operations/health and safety plan will be required, to describe how any potential health and safety problems which may result from this practice, will be managed; and (3) if contaminated soils are used for intermittent cover on the industrial waste landfill, as is the current common practice by SKB, clean intermediate cover must be placed over these contaminated soils within thirty (30) days.

Financial Assurance

For the pre-closure/operational period, SKB currently provides financial assurance in the amount of \$200,000 in the form of a surety bond. Staff is of the opinion that the amount and mechanism of this financial assurance is adequate and it has been approved by the County's Risk Manager.

Other Governmental Approvals

The MPCA issued a revised permit to SKB on April 22, 2009, approving SKB's expansion request. The City of Rosemount issued an Interim Use Permit for the expansion, by resolution, on October 7, 2008 (Attachment B).

Staff Recommendation

Staff recommends approval of this major modification for the SKB Rosemount multiple operation solid waste facility.

EXPLANATION OF FISCAL/FTE IMPACT

The wastes disposed at this facility are subject to the payment of host fees pursuant to the terms and conditions of an existing host fee agreement between Dakota County and SKB.

000040

Supporting Documents:
Attachment A-Location Map
Attachment B-City of Rosemount Resolution Approving IUP

Previo	us Board Action(s):
-	;
-	:
_	:
_	•
_	• • • • • • • • • • • • • • • • • • •
	•

RESOLUTION 1

Approval Of Major Modification To S K B Industrial Waste Landfill

WHEREAS, SKB Environmental, Inc. (SKB) currently operates an industrial waste landfill, licensed by Dakota County, as part of a multiple operation solid waste facility in the City of Rosemount; and

WHEREAS, SKB has submitted to the Environmental Management Department (Department) an application to modify the industrial waste landfill portion of its multiple operation solid waste facility to expand the capacity of the waste disposal area; and

WHEREAS, Department staff is recommending a vertical expansion of the industrial waste landfill portion of SKB's multiple operation solid waste facility in the amount of 3,285,217 cubic yards; and

WHEREAS, pursuant to Dakota County Ordinance 110, Solid Waste Management (Ordinance 110) SKB's proposal to expand the capacity of the industrial waste landfill constitutes a major modification of its multiple operation solid waste facility license and requires County Board approval; and

WHEREAS, SKB currently provides financial assurance acceptable to Dakota County for its multiple operation solid waste facility, in accordance with Ordinance 110, Section 3.06(C)(1)(c), for the preclosure/operational period in the amount of \$200,000, in the form of a surety bond naming Dakota County the oblique; and

WHEREAS, SKB provides financial assurance in accordance with an approved Minnesota Pollution Control Agency (MPCA) Financial Assurance Plan, pursuant to the requirements of Ordinance 110, Sections 3.06(C)(2)(d) and 3.06(C)(3)(c), for the closure/post-closure periods and for contingency action; and

WHEREAS, the Dakota County Board of Commissioners has previously granted variances to SKB (Resolution Nos. 91-994, 95-822, 96-599, 96-759, 97-219, 97-489, 98-481, 98-527, 98-652, 00-257, 00-651, 02-640, 03-294, 03-571 and 05-698) for its industrial waste landfill from Ordinance 110; to allow the siting of this landfill within 1,000 feet of residential dwellings and public roadways (Section 6.01(D) and (E)); and to relieve SKB from the industrial waste application, review, approval, and acceptance procedures (Section 5.02(A)(B) and (C)); and

WHEREAS, Ordinance 110 provides that the County Board may grant variances from the requirements of the Ordinance and may approve variances that carry over to each successive license unless specifically rescinded by the County Board; and

WHEREAS, the MPCA reissued a permit on April 22, 2009, for the SKB Rosemount multiple operation solid waste facility, including the approval of the industrial waste landfill expansion; and

WHEREAS, in a resolution dated October 7, 2008, the City of Rosemount approved SKB's expansion of its existing industrial waste landfill under the conditions of the Interim Use Permit issued by the City; and

WHEREAS, Department staff has reviewed the SKB proposal to expand the industrial waste landfill, finds that it meets the requirements of Ordinance 110, and recommends County Board approval of this major modification and issuance of a license for SKB's industrial waste landfill portion of its multiple operation solid waste facility license. under certain conditions.

Administrator's Comments:	Reviewed by (if required):	
Recommend Action Do Not Recommend Action Reviewed—No Recommendation Reviewed—Information Only Submitted at Commissioner Request	County Attorney's Office Financial Services Risk Management Employee Relations Information Technology	
County Administrator	=	

5/6/2009 11:17 AM Page 2

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves, as a major modification to the SKB Environmental, Inc. Rosemount industrial waste landfill portion of its multiple operation solid waste facility license, an expansion of capacity by 3,285,217 cubic yards; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the issuance of a license to SKB for the industrial waste landfill portion of its multiple operation solid waste facility license for the period of May 19, 2009 to December 31, 2009, subject to compliance with all applicable federal, State, local, and County laws, rules and ordinance requirements, and the following conditions:

- SKB Environmental, Inc. shall operate the industrial waste landfill in accordance with all plans and specifications approved as part of the original license application to the County Board, all applicable County Ordinance requirements, and all subsequent modifications or additions, as approved by respective State and local agencies.
- 2. SKB Environmental, Inc. shall obtain, and keep on file, reports of all waste analysis performed on any waste streams accepted for disposal at the industrial waste landfill.
- 3. SKB Environmental, Inc. shall use two separate internal processes to review each waste stream prior to approving it for disposal. As part of the approval process, a computer program shall be used to compare sample test data to hazardous levels.
- 4. For the purpose of disposal, no one shall enter the SKB industrial waste landfill unless a MPCA certified operator is present to directly supervise the acceptance and disposal of all wastes at all times the landfill is open for business, and the MPCA certified operator shall be present and supervise activities at all times waste is being deposited on the working face.
- 5. SKB Environmental, Inc. shall not accept for disposal at the industrial waste landfill, soil, or other contaminated environmental media, which contain hazardous wastes listed in Minn. R. 7045.0135, Subpart 2, (A) through (E), unless a determination has been made by the MPCA that the material does not contain a listed hazardous waste and the concentration of contaminants is below the Industrial Soil Reference Values (SRV's). Contaminated media from petroleum sources is exempt from this condition, per Minn. R. 7045.0120, Subpart 1(Q).
- SKB Environmental, Inc. shall monitor all incoming waste loads at the gate or scale area for radioactivity and shall hold for inspection and review by the Department any waste that exhibits more than 1,000 counts per minute.
- 7. SKB Environmental, Inc. shall obtain Department approval in accordance with Ordinance 110, Section 5.04, as may be amended, prior to using industrial waste or minimally contaminated soil as cover material.
- 8. SKB Environmental, Inc. shall construct final cover as shown on the approved drawings, "Major Modification Drawings for the SKB Rosemount Industrial Waste Facility SW 383", dated April 3, 2009.
- 9. SKB Environmental, Inc. is authorized to use the capacities in expansion cells 3E and 4E (totaling 3,285,217 cubic yards), as listed in table 5.1 and in the locations shown in drawing 8 of the approved plans, as detailed in SKB's Major Modification Application, dated April 2008.
- 10. SKB Environmental, Inc. may construct the berms and related appurtenances for cell 6 in accordance with the approved plans, as detailed in SKB's Major Modification Application, dated April 2008, but may not conduct landfill operations in the area identified as cell 6, unless and until a MPCA permit has been issued approving landfill operations in cell 6, and the City of Rosemount has certified that SKB Environmental, Inc. has completed the wetland mitigation measures, as required by the "Interim Use Permit Agreement Reissuance to SKB, Inc., Minnesota Industrial Containment Facility", executed by the City of Rosemount on October 7, 2008, and that such approvals by the MPCA and the City of Rosemount must occur by December 31, 2015.
- 11. SKB Environmental, Inc. shall submit a monthly operating report that includes the following additional information: (a) a description of the wastes accepted; and (b) the names and addresses of the generators of these wastes.

- 12. SKB Environmental, Inc. may accept and dispose of non-hazardous waste combustor ash, in accordance with its approved Waste Acceptance Plan.
- 13. SKB Environmental, Inc. is prohibited from accepting hazardous waste, as defined by Minn. R. 7045, as may be amended.
- 14. SKB Environmental, Inc. shall as part of its normal leachate analysis program, test leachate for petroleum hydrocarbons by the Wisconsin Methods for Gasoline Range Organics (GRO) and Diesel Range Organics (DRO); and Total Petroleum Hydrocarbons, using the California LUST TPH Test, EPA Method 8015, or a method approved by the Department.
- 15. SKB Environmental, Inc. may accept chromated copper arsenate (CCA) treated wood without a hazardous waste evaluation during an interim period ending March 1, 2010. This condition will expire on the above date unless replaced by the Department, prior to its expiration, based on further regulatory and scientific research and in collaboration with the MPCA.
- 16. SKB Environmental, Inc. shall place clean intermediate cover within thirty (30) days on all areas where contaminated soil is used for intermittent cover.
- 17. SKB Environmental, Inc. shall provide to the Department a MPCA approved operations/health and safety plan, prior to leachate being used for dust suppression in the industrial landfill.
- 18. SKB Environmental, Inc. shall provide written notice to the County of any proposed change regarding the MPCA Financial Assurance Plan, and written documentation of the change, within 10 days of the change.
- 19. SKB Environmental, Inc. shall keep in effect financial assurance, as required by Ordinance 110, and as approved by the County Board.
- 20. SKB Environmental, Inc. shall provide the following documentation to the Department of the MPCA's closure/post-closure financial assurance and contingency fund: closure/post closure performance bond, contingency fund performance bond; and a trust fund that is funded at the rate of \$1.63 per cubic yard that will replace the performance bonds when fully funded.
- 21. SKB Environmental, Inc. shall obtain and keep in effect, during the term of the license, the insurance coverages required by Ordinance 110, Section 3.07, and shall provide evidence of said coverages in accordance with Ordinance 110, Section 3.07(E).

; and

BE IT FURTHER RESOLVED, That all variances previously granted by the Dakota County Board of Commissioners pertaining to the SKB Environmental, Inc. Rosemount industrial waste landfill portion of this multiple operation solid waste facility license shall remain in force and effect, unless and until rescinded by the County Board, which includes variances from Ordinance 110, Section 6.01(D) and (E), to allow the siting of the landfill within 1,000 feet of residential dwellings and public roadways and a variance from Ordinance 110, Section 5.02 to relieve SKB from the waste acceptance procedures at the landfill; and

BE IT FURTHER RESOLVED, That pursuant to Ordinance 110, Section 3.06(C)(1)(c), SKB Environmental, Inc. shall provide financial assurance in the form of a surety bond in the amount of \$200,000 naming Dakota County the obligee for the preclosure/operational period for the SKB Rosemount multiple operation solid waste facility, including the industrial waste landfill, with said surety bond and issuing financial institution being subject to the approval of the Dakota County Risk Manager and the Dakota County Attorney's Office; and

BE IT FURTHER RESOLVED, That pursuant to Ordinance 110, Sections 3.06(C)(2)(d) and 3.06(C)(3)(c), the Dakota County Board of Commissioners hereby approves the Minnesota Pollution Control Agency Financial Assurance Plan as financial assurance for the closure/post-closure periods and for contingency action for the SKB Rosemount multiple operation solid waste facility, including the industrial waste landfill; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to issue a multiple operation solid waste facility license, including modification to its industrial

waste landfill, as described in this Resolution, to SKB Environmental, Inc., subject to the payment of required fees and the satisfaction of all license conditions necessary for issuance.

RESOLUTION 2

Approval Of Major Modification To S K B Demolition Waste Landfill

WHEREAS, SKB Environmental, Inc. (SKB) currently operates a demolition waste landfill, licensed by Dakota County, as part of a multiple operation solid waste facility in the City of Rosemount; and

WHEREAS, SKB has submitted to the Environmental Management Department (Department) an application to modify the demolition waste landfill portion of its multiple operation solid waste facility to expand the capacity of the waste disposal area; and

WHEREAS, Department staff is recommending a vertical expansion of the demolition waste landfill portion of SKB's multiple operation solid waste facility in the amount of 3,033,176 cubic yards; and

WHEREAS, pursuant to Dakota County Ordinance 110, Solid Waste Management (Ordinance 110) SKB's proposal to expand the capacity of the demolition waste landfill constitutes a major modification of its multiple operation solid waste facility license and requires County Board approval; and

WHEREAS, SKB currently provides financial assurance acceptable to Dakota County for its multiple operation solid waste facility, in accordance with Ordinance 110, Section 3.06(C)(1)(c), for the preclosure/operational period in the amount of \$200,000 in the form of a surety bond naming Dakota County the obligee; and

WHEREAS, SKB provides financial assurance in accordance with an approved Minnesota Pollution Control Agency (MPCA) Financial Assurance Plan, pursuant to the requirements of Ordinance 110, Sections 3.06(C)(2)(d) and 3.06(C)(3)(c), for the closure/post-closure periods and for contingency action; and

WHEREAS, the Dakota County Board of Commissioners has previously granted variances to SKB (Resolution Nos. 91-994, 95-822, 96-599, 96-759, 97-219, 97-489, 98-481, 98-527, 98-652, 00-257, 00-651, 02-640, 03-294, 03-571 and 05-698) for its demolition waste landfill from Ordinance 110; to allow the siting of this landfill within 1,000 feet of residential dwellings and public roadways (Section 6.01(D) and (E)); and

WHEREAS, Ordinance 110 provides that the County Board may grant variances from the requirements of the Ordinance and may approve variances that carry over to each successive license unless specifically rescinded by the County Board; and

WHEREAS, the MPCA reissued a permit on April 22, 2009, for the SKB Rosemount multiple operation solid waste facility, including the approval of the demolition waste landfill expansion; and

WHEREAS, in a resolution dated October 7, 2008, the City of Rosemount approved SKB's expansion of its existing demolition waste landfill under the conditions of the Interim Use Permit issued by the City; and

WHEREAS, Department staff has reviewed the SKB proposal to expand the demolition waste landfill, finds that it meets the requirements of Ordinance 110, and recommends County Board approval of this major modification and issuance of a license for SKB's demolition waste landfill portion of its multiple operation solid waste facility license, under certain conditions.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves, as a major modification to the SKB Environmental, Inc. Rosemount demolition waste landfill portion of its multiple operation solid waste facility license, an expansion of capacity by 3,033,176 cubic yards; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the issuance of a license to SKB for the demolition waste landfill portion of its multiple operation solid waste facility license for the period of May 19, 2009 to December 31, 2009, subject to compliance with all applicable federal, State, local, and County laws, rules and ordinance requirements, and the following conditions:

000044

- 1. SKB Environmental, Inc. shall operate the demolition landfill in accordance with all plans and specifications approved as part of the original license application to the County Board and all subsequent modifications or additions as approved by respective State and local agencies.
- 2. SKB Environmental, Inc. shall accept industrial waste at the demolition landfill in accordance with its approved Waste Acceptance Plan, subject to local approval and conditions; SKB shall not accept foundry sands, waste sludges or industrial wastes not listed below.
- 3. SKB Environmental, Inc. shall accept only the following non-demolition wastes at the demolition landfill:
 - a) Construction debris that is inherently comparable to and physically similar to demolition waste.
 - adhesives in incidental amounts
 - bituminous concrete
 - block and brick masonry
 - building parts (wood, glass, vinyl, plastic, metal, ceramic, fabric/leather, rubber)
 - ceiling tiles
 - ceramic tile, linoleum and other floor coverings

 - counter tops
 - fiberboard
 - fiberglass
 - fixtures
 - frames, trim
 - hardened and cured urethane and epoxies in incidental amounts

 - non-leaded, non-automotive glass
 - plaster
 - rock
 - roofing material
 - sewer pipe
 - sheetrock, drywall
 - wall covering
 - window frames and glass
 - wiring, including conduits and fixtures
 - wood (untreated, painted, stained, sawdust)
 - other comparable construction debris
 - b) Other construction debris.
 - empty containers from construction sites
 - sanding belts, discs and power belts and other tools from construction sites
 - dry brushes, rollers, tarps, pans, rags, sandpaper, tape and paint cans used in construction
 - packaging material, including wood, paper, plastic, metal, fiber and tape from construction sites
 - c) Industrial waste that is inherently comparable to and physically similar to demolition waste. These industrial wastes shall be subject to the host fee agreement between SKB Environmental, Inc. and Dakota County, as may be amended from time to time.
 - adhesives in incidental amounts
 - bituminous concrete
 - block and brick masonry
 - building parts (wood, glass, vinyl, plastic, metal, ceramic, fabric/leather, rubber, foam rubber)
 - ceiling tile
 - ceramic tile, linoleum and other floor coverings
 - concrete
 - counter tops, sinks, toilets, tubs
 - fiberboard

- fiberglass
- fixtures
- frames, trim
- hardened and cured urethane and epoxies in incidental amounts
- insulation
- non-leaded, non-automotive glass
- plaster
- rock
- · roofing material
- sewer pipe
- sheetrock, drywall
- wall covering
- window frames and glass
- wiring, including conduits and fixtures
- wood (treated, untreated, painted, stained, sawdust)
- other comparable industrial waste
- d) Old demolition dumpsite wastes, as approved by the Department.
- e) Asbestos waste, subject to local approval.
- f) Treated wood that is incidental to and incorporated in loads of waste, and under no condition greater than 20 percent of the volume of the load of waste.
- 4. For the purpose of disposal, no one shall enter the SKB demolition waste landfill unless a MPCA certified operator is present to directly supervise the acceptance and disposal of all wastes at all times the landfill is open for business, and the MPCA certified operator shall be present and supervise activities at all times waste is being deposited on the working face.
- 5. SKB Environmental, Inc. shall provide to the Department a MPCA approved operations/health and safety plan, prior to leachate being used for dust suppression in the demolition landfill.
- 6. SKB Environmental, Inc. is authorized to use the capacity in expansion cell 5D (3,033,176 cubic yards), as listed in table 5.1 and in the location shown in drawing 8 of the approved plans, as detailed in SKB's Major Modification Application, dated April 2008.
- 7. SKB Environmental, Inc. shall construct final cover as shown on the approved drawings, "Major Modification Drawings for the SKB Rosemount Industrial Waste Facility SW 383", dated April 3, 2009.
- 8. SKB Environmental, Inc. shall provide written notice to the County of any change or proposed change regarding the MPCA Financial Assurance Plan and contingency fund within 10 days of the change.
- 9. SKB Environmental, Inc. shall keep in effect financial assurance as required by Ordinance No. 110, Section 3.06.
- 10. SKB Environmental, Inc. shall provide the following documentation to the Department of the MPCA's closure/post-closure financial assurance and contingency fund: closure/post closure performance bond, contingency fund performance bond; and a trust fund that is funded at the rate of \$1.63 per cubic yard that will replace the performance bonds when fully funded.
- 11. SKB Environmental, Inc. shall obtain and keep in effect, during the term of the license, the insurance coverages required by Ordinance 110, Section 3.07, and shall provide evidence of said coverages in accordance with Ordinance 110, Section 3.07(E).

; and

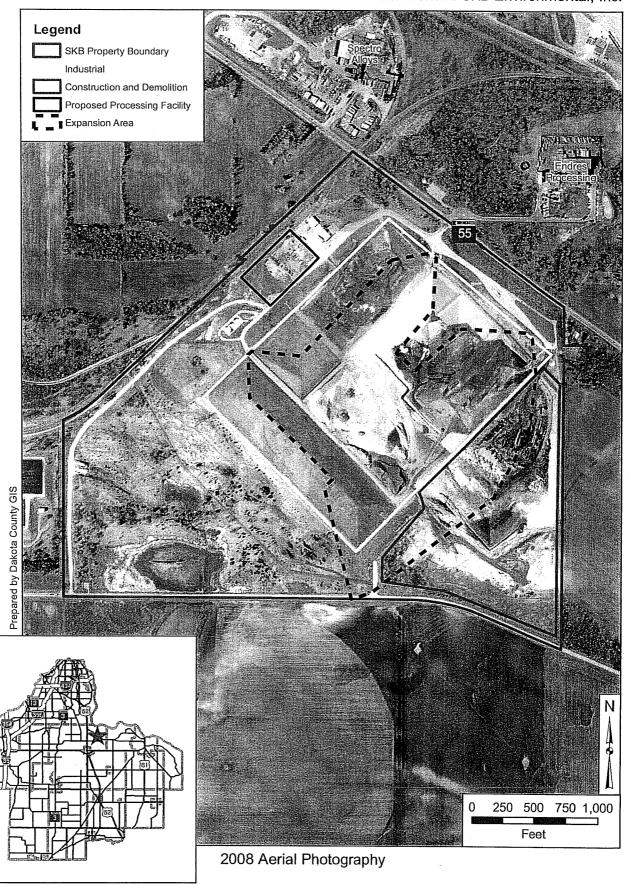
BE IT FURTHER RESOLVED, That all variances previously granted by the Dakota County Board of Commissioners pertaining to the SKB Environmental, Inc. Rosemount demolition waste landfill portion of this multiple operation solid waste facility license shall remain in force and effect, unless and until rescinded by the

County Board, which includes variances from Ordinance 110, Section 6.01(D) and (E), to allow the siting of the landfill within 1,000 feet of residential dwellings and public roadways; and

BE IT FURTHER RESOLVED, That pursuant to Ordinance 110, Section 3.06(C)(1)(c), SKB Environmental, Inc. shall provide financial assurance in the form of a surety bond in the amount of \$200,000 naming Dakota County the obligee for the preclosure/operational period for the SKB Rosemount multiple operation solid waste facility, including the demolition waste landfill, with said surety bond and issuing financial institution being subject to the approval of the Dakota County Risk Manager and the Dakota County Attorney's Office; and

BE IT FURTHER RESOLVED, That pursuant to Ordinance 110, Sections 3.06(C)(2)(d) and 3.06(C)(3)(c), the Dakota County Board of Commissioners hereby approves the Minnesota Pollution Control Agency Financial Assurance Plan as financial assurance for the closure/post-closure periods and for contingency action for the SKB Rosemount multiple operation solid waste facility, including the demolition waste landfill; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to issue a multiple operation solid waste facility license, including modifications to its demolition waste landfill, as described in this Resolution, to SKB Environmental, Inc., subject to the payment of required fees and the satisfaction of all license conditions necessary for issuance.



CITY OF ROSEMOUNT DAKOTA COUNTY, MINNESOTA

RESOLUTION 2008--85

A RESOLUTION APPROVING THE INTERIM USE PERMIT AND ATTACHMENTS INCLUDING THE DEVELOPMENT COMMITMENT TO SKB ENVIRONMENTAL, INC. FOR THE OPERATION OF A WASTE FACILITY.

WHEREAS, the City of Rosemount received an application from SKB Environmental, Inc. (SKB) for the approval of an Interim Use Permit (IUP) to expand their waste facility located at 13425 Courthouse Boulevard, Rosemount, Minnesota; and

WHEREAS, the IUP will allow the disposal of industrial waste, municipal solid waste (MSW) incinerator ash, and construction and demolition debris and the operation of a recycling and transfer facility handling the previously mentioned wastes along with MSW; and

WHEREAS, on July 22 and August 26, 2008, the Planning Commission of the City of Rosemount held a public hearing to review the IUP application from SKB to expand their waste facility; and

WHEREAS, the Planning Commission adopted a motion recommending that the City Council approve the IUP for SKB subject to the conditions in the Interim Use Permit Reissuance to SKB, Inc. Minnesota Industrial Containment Facility (Exhibit A); and

WHEREAS, the City, serving as the responsible governmental unit (RGU), conducted an environmental assessment worksheet (EAW) and determined that no addition environmental review is need for the expansion of the waste facility; and

WHEREAS, on May 20, 2008, the City Council of the City of Rosemount reviewed the Planning Commission's recommendation, the EAW, and the IUP for SKB.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Rosemount hereby approves the IUP and attachments, including the Development Commitment, for SKB to expand their waste facility located at 13425 Courthouse Boulevard, Rosemount, Minnesota, subject to the conditions in the Interim Use Permit Reissuance to SKB, Inc. Minnesota Industrial Containment Facility (Exhibit A).

ADOPTED this 7th day of October, 2008 by the City Council of the City of Rosemount.

William H. Droste, Mayor

Amy Domeier, City Clerk

Motion by: Del	Bettignie	Second by:	: Baxter		·
Voted in favor: _	Sterner,	Baxter,	DeBettignies,	Shoe-Corrigan,	<u>D</u> roste
Voted against:	None				'
Member absent:	None				

6.3 - Consideration And Authorization To Apply For Energy Efficiency And Conservation Block Grant Through The United States Department Of Energy (Recovery Act)

Meeting Date:	5/12/09	Fiscal/FTE Impact:
Item Type:	Regular-Action	□ None
Division:	OPERATIONS, MANAGEMENT, AND BUDGET	☐ Amount included in current budget
Department:	Operations Management	☐ Budget amendment requested
Contact:	W. Taud Hoopingarner Telephone: 651-438-4416	FTE included in current complement
Prepared by:	W. Taud Hoopingarner	☐ New FTE(s) requested–N/A
Reviewed by:	Other N/A	Other

PURPOSE/ACTION REQUESTED

Review options and request authorization to apply for Energy Efficiency and Conservation Formula Grant through the United States Department of Energy.

SUMMARY

Under the American Recovery and Reinvestment Act (ARRA), the United States Department of Energy was allocated approximately \$3.2 billion for fiscal year 2009, of which approximately \$1.8 billion is available for distribution to local governments in the form of direct formula energy efficiency grants under the Energy Efficiency and Conservation Block Grant (EECBG) program. Dakota County's allocation under the federal formula for grants is \$658,400. (Additional funds, under the same program, are allocated to the State of Minnesota, of which 60% must be distributed as sub-grants from the State to local units of government that are not eligible to receive formula grants.)

This grant is intended to be used to create and implement strategies to (1) reduce fossil fuel emissions, (2) decrease total energy consumption, (3) enhance energy efficiency in the transportation, building, and other energy consuming sectors, (4) spur economic growth, and (5) create and/or retain jobs.

EECBG Grant funds may be used for purposes such as planning, consultant services, energy audits, financial incentive programs, energy efficiency renovations, transportation programs that conserve energy, energy distribution, material conservation, reduction and capture of methane, traffic signals and street lighting, and related activities. The deadline to apply for these grant funds is June 25, 2009. Projects must be started within 180 days of grant award.

The grant requires development of an Energy Efficiency and Conservation Strategy (EECS), which can be submitted within 120 days after the funds are awarded. This timing corresponds well to the completion of the County's Energy Policy, and it is anticipated that the EECS can be based largely on the Energy Policy work.

Staff from the Operations, Management, and Budget and Physical Development Divisions has developed multiple options for use of the Dakota County formula allocation that we believe would address County priorities and meet the requirements of this grant. The options employ information gathered as part of the energy policy project, on which the Committee was recently updated. These projects vary in their scope. They range from energy audits to targeting new energy efficiency systems and technology to improve efficiency in selected County facilities. A summary of the projects identified by staff is at Attachment A.

Staff contacted other public entities within the County who are receiving formula funds in an effort to identify opportunities to collaborate on the use of EECBG funds. We were not able to identify any opportunities that could be developed in the time frame required for the grant application.

A summary of the EECBG program and anticipated formula block grant awards to eligible communities in Dakota County is at Attachment B.

EXPLANATION OF FISCAL/FTE IMPACT

None. However, approval of the grant applications would make \$658,400 available to Dakota County from the EECBG program. Up to \$75,000 of these grant funds may be used for administrative expenses associated with management of the awarded grant. Funds must be obligated/committed within 18 months, and fully expended within 36 months of award. A request to accept the grant funds and amend the 2009 adopted budget will be made to the Board when the application is approved.

Supporting Documents:

Attachment A, Options for Use of Formula Grant Funds Attachment B. EECBG Program Description

Previous	Board	Action(s)
----------	-------	-----------

RESOLUTION

Consideration And Authorization To Apply For Energy Efficiency And Conservation Block Grant Through
The United States Department Of Energy (Recovery Act)

WHEREAS, Dakota County is eligible for an Energy Efficiency and Conservation Block Grant through the United States Department of Energy in the amount of \$685,400; and

WHEREAS, these grant funds are intended to be used to reduce fossil fuel emissions, decrease total energy consumption, enhance energy efficiency in the transportation, building, and other energy consuming sectors, spur economic growth, and create and/or retain jobs; and

WHEREAS, Dakota County is committed to providing leadership through the reduction of fossil fuel emissions, decrease in total energy consumption, enhancement of energy efficiency in the transportation, building, and other energy consuming sectors, spurring economic growth, and creating and retaining jobs within Dakota County.

NOW, THEREFORE BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Operations Management Director to apply for an Energy Efficiency and Conservation Block Grant through the United States Department of Energy for the purpose of:

Option 1. Combining program/projects 1 through 4 of Attachment A, as presented on May 12, 2009, in addition to adding additional wall and ceiling insulation in select County facilities, in order to apply EECBG formula funds across multiple projects, or program areas; or

Option 2. Replacing all original windows in the Wescott Library (project 5 of Attachment A, as presented on May 12, 2009) with triple pane glass in order to reduce energy consumption, operating costs, and demonstrate the impact of triple pane glass on county facilities, and apply remaining funds to replacing windows at another County location; or

Option 3. Revising the Burnhaven Library Remodeling Project (project 6 of Attachment A, as presented on May 12, 2009) into a demonstration project for applying energy efficient and "greener" technologies to reduce energy consumption and greenhouse gas emissions; or

Option 4. Developing a Carbon Neutral Park Facilities Program (project 7 of Attachment A, as presented on May 12, 2009) and demonstration project to establish a Carbon Neutral Park facility at Lebanon Hills Regional Park; and

BE IT FURTHER RESOLVED, That upon award of EECBG funds, a request to accept the grant and amend the adopted budget will be submitted to the County Board for approval.

Administratoria Comment		
Administrator's Comments:	Reviewed by (if required):	
Recommend Action		
☐ Do Not Recommend Action	Financial Services	
☐ Reviewed–No Recommendation	Z Risk Management	
☐ Reviewed–Information Only	☐ Employee Relations	
☐ Submitted at Commissioner Request	☐ Information Technology	
March Kukodson		
County Administrator		
5/7/2009 10:37 AM Page 2	The state of the s	

h:\final pdc\archive - 2009\may 12, 2009\omb5-12-2009 eecbg.doc

Program and Project Options for EECBG funding use: Prioritized by anticipated highest Return on Investment (ROI):

<u>Projects one (1) through four (4) would need to be combined with additional projects in order to apply EECB formula funds across multiple projects, or program areas.</u>

Projects 1 through 4 would need to be combined in order to expend the anticipated amount of funding Dakota County staff anticipates receiving from the EECBG formula funding. Staff recommends that additional wall and/or roof insulation projects be added to these projects in order to expend the total grant amount in the most efficient and effective manner possible.

1. <u>Conduct Energy Audits / Assessments of County Buildings and Provide Employees with Guidelines</u> for Energy Conservation

The County will develop a process for conducting energy assessments of its buildings to determine ways to reduce energy use. The audits will not only assess the efficiency of building systems but it will identify low cost operational procedures and occupant behaviors that will reduce energy use. Dakota County last performed both mini and maxi audits on its buildings in 1980. Consultant cost to assist in the energy audits is anticipated to cost \$75,000.

Specific energy and greenhouse gas reductions will be not be able to be identified until the assessment of the building systems are complete. It is anticipated that a 4% reduction in energy use may be able to be achieved through modifications to building systems. If this is achieved 186 tons of CO_2 a year will be avoided. The cost of the system changes cannot be determined at this time. The identified changes will be funded through the proposed Energy Conservation Fund in the Building CIP or individual project requests in the Building CIP. Generally, it is anticipated that an additional 1% savings can be achieved through employee behavior changes identified through the mini-audit process. If this goal is achieved 46.5 tons of CO_2 a year will be avoided. The cost of implementing mini-audit recommendations will be minimal.

Estimated Cost: \$75,000

ROI = Target 4% reduction in energy use across County facilities which equates to \$80,000 per year GHG reduction = 186 metric tons of CO_2 per year at 4% reduction in energy consumption

2. Replace the Water Heaters in Dakota County Facilities with newer technology heaters with higher energy efficiency ratings. Add instant—on tank-less water heaters at locations that will reduce energy and water use.

Dakota County currently has a wide range of types and sizes of water heaters; both electric and natural gas. Over time, the water heaters develop calcification, due to minerals in the water. This calcification reduces the energy efficiency of the water heaters. Improvements have also been made to both electric and natural gas water heaters, with the increased focus on energy efficiency. Both the Electric and Natural Gas suppliers for Dakota County Facilities offer rebate programs that provide some assistance in paying the cost of replacement units.

It is estimated that replacement of approximately 66 of the current water heaters that are 5 years of age or older would result in an annual energy savings in today's energy costs of approximately \$17,600. The energy cost for both electricity and natural gas are projected to increase in the future. In addition to energy savings, selective placement of instant—on tank-less units will reduce water consumption. The quantity saved cannot be quantified, although the amount may be significant.

With the exception of the large water heaters at a few facilities, the great majority of units are similar in size to residential units. Replacement of the water heaters will create immediate employment for plumbers familiar with residential plumbing installations.

Estimated Cost: \$123,000 ROI = 7 years GHG reduction = ?

3. <u>Increase the roof insulation on the Judicial Center re-roofing project, by adding an additional 4 inches of insulation (R-28 increase)</u>

The Judicial Center is currently scheduled for Re-roofing in 2009. Increasing the roof insulation by approximately 4 inches will cost approximately \$117,000. It is projected that the annual heating cost for the Judicial Center would be reduced by approximately \$16,000 per year. The additional insulation will also reduce the air conditioning load, which may result in similar savings in electrical costs. Due to the fact that both the electrical use and the electrical demand charges would be reduced, the calculation of estimated savings is difficult.

Estimated Cost: \$117,000 ROI = 7.3 years GHG reduction = ?

4. Purchase and install LED lighting in various locations

New technology in lighting, while not yet fully proven, has shown that Light Emitting Diode (LED) lighting can be very effective and very energy saving in certain applications. An additional benefit is that LED lighting does not attract insects, which can be very beneficial when used in lighting of parking lots and building entries. The new technology lamps are still considerably more expensive initially than the old technology lamps which have been mass produced for several years. The new technology lamps, if the long lamp life proves to be true as currently projected, if used could result in considerable savings when used in locations requiring special equipment for lamp replacement. Locations such as the atriums at both the Western and Northern Service Centers, and the inmate housing units at the Law Enforcement Center, currently are very expensive to re-lamp. Numerous locations in County Parks may benefit from the use of LED lamps; in energy savings, in reduced staff time for replacing light bulbs and reduced insect problems. Currently Dakota County, between Facilities and Parks, has 63 different electrical accounts for electrical service. The energy saving results would be able to be tracked by account.

Estimated Cost: \$63,000 ROI = ?

GHG reduction = ?

5. Retrofit all windows and two slope wall roof skylights at the Wescott Library that were installed in 1982 with new triple glazed curtain wall system with low-e glass which will reduce overall building energy consumption and greenhouse gas emissions.

Based upon the development of new technologies in window systems for commercial buildings, staff is recommending that the windows in the Wescott library be replaced to significantly reduce the overall energy consumption profile of the facility. The building is 50,900 sq. ft.

Anticipated life of the exterior insulated window systems is 30 years. Existing window system is 27 years old, non-thermally broken insulated glass without low-e coatings. Estimated U-value is greater than .77. Project will reduce the heat transmittance U-value from .80 to below .14

Current energy cost per square foot for the library is \$1.51. Project goal is to reduce the annual cost of gas and electricity to below \$1.00 per sq. ft. Estimated project cost to upgrade 5,800 sf of curtain wall windows \$510,000. Apply remaining funding to upgrade windows in another smaller facility.

Estimated Cost: \$510,000 to \$600,000

ROI = 19 years GHG reduction = ?

6. Revise the Burnhaven Library Remodeling Project into a demonstration project for applying energy efficient and "greener" technologies to reduce energy consumption and greenhouse gas emissions.

The current Burnhaven remodeling project could be modified into an energy efficiency demonstration project. With available EECBG funding, staff propose to incorporate Geothermal Heating and Cooling, triple-glaze windows, increased wall insulation, and more efficient HVAC motors into the Burnhaven Library CIP remodeling project in order to reduce our annual energy costs by 44% and cut greenhouse gas emissions by 50%. As a result, we could demonstrate to the community, the ability to renovate older facilities with new, energy efficient, and "greener" technologies, which reduce energy consumption and reduce greenhouse gas emissions.

The challenge with this option is not knowing whether this library will still be at this location in 20 years. Other options for Geothermal application may include Heritage or Inver Glen Libraries.

Estimated Cost: \$580,000 to \$650,000

ROI = 20 + years

GHG reduction = 448 metric tons GHG per year

7. <u>Develop a Carbon Neutral Park Facilities Program, and demonstration project with a goal of establishing a Carbon Neutral Park system.</u>

The Lebanon Hills Regional Park Visitor Center campus occupies the northeasterly 80 acres of the park. These acres are naturally diverse, including lakes, wetlands and connecting flowages; oak savanna, hardwood forest, and prairie; and frequently undulating topography with 70' of elevation differential, creating windy and calm locations.

The major recreational facilities at the campus include a 6,000 square foot Visitor Center building, parking and overflow parking lots, swim beach with building, and trails for hiking, skiing, and horseback riding. The Visitor Center building functions as the hub of public use including recreational rental equipment and staff led interpretive and educational programming.

The project seeks to significantly reduce, or even eliminate, the campus's current dependence upon fossil fuel use for heating, cooling and electrical needs. The strategy to be explored, developed, and applied as appropriate, will be to optimize the energy contribution the 80 acre site can offer. This exploration will include the techniques of:

- Geothermal infrastructure to heat/cool (redevelopment of the parking lot in 2010 offers an efficient implementation opportunity)
- Solar applications, including for hot water at both the beach building (which has high seasonal
 use of hot water), and Visitor Center; and for electrical generation
- Wind turbine for electrical production, perhaps using an appropriate scale vertical axis turbine
- Micro-hydro electrical production using seasonal overland water flows between lakes
- Ram-pumps for moving surface water, powered by elevation differences between the lakes
- Use of abundant and surplus woody biomass for heating needs

A special emphasis will be on integrating the potential techniques into an effective system of local energy production, in lock-step with the current campus redevelopment project. This redevelopment effort will include redesign of the parking lot, improved trail connections, installing beach vicinity shade structures, and security and water management improvements. Furthermore, interpretive, education and demonstration values will be developed and delivered to park visitors.

Estimated cost: \$400,000 to \$600,000. ROI = 30+ years

GHG reduction =?

Energy Efficiency and Conservation Block Grant Program

Background: On December 19, 2007, President Bush signed into law the Energy Independence and Security Act (H.R. 6). H.R. 6 included a new grant programs for state and local governments — the Energy Efficiency and Conservation Block Grant (EECBG) program. H.R. 6 authorized \$2 billion annually over five years for grants to states and local governments to develop and implement energy efficiency and conservation strategies. While the program has been authorized, no funding was appropriated to implement the program until the American Reinvestment and Recovery Act (ARRA) was adopted on February 17, 2009

Energy Efficiency and Conservation Block Grant (EECBG). The ARRA appropriated \$3.2 billion for Energy Efficiency and Conservation Block Grants. Of this amount, \$2.8 billion will be allocated to formula grants and the remaining \$455 million for competitive grants. Within the formula grants, \$1.8 billion of the total will be given as grants to "eligible" units of local government; \$767 million will be allotted to the states; \$54 million to Indian tribes; and the remaining \$54 million for competitive grants to non-eligible communities.

"Eligible" units of local government are counties with more than 200,000 in population as well as, the top ten largest populated counties in a state (regardless of being above or under the 200,000 population-wise mark). Cities are eligible for a direct formula grant if their population is at least 35,000, or they are one of the 10 highest populated cities of the state. Cities that do not meet the eligibility requirements for direct formula grants are still eligible for program funds through the State of Minnesota.

Dakota County and the Cities of Burnsville, Eagan, Lakeville, and Apple Valley are eligible for direct allocations of grant funds. The amount of formula grants and the planned uses of the formula allocations by eligible cities also are shown.

Burnsville	Amount
Geothermal for ice arena Grant for businesses/residents to implement energy efficiency or renewable energy systems	\$559,300
Energy efficient motor for waste water treatment plant	
Energy audits for remaining city facilities	
Greenhouse gas inventory baseline - 2005	
Eagan	
Building energy audits	\$657,100
Building energy retrofits/lighting retrofits	
Lakeville	
HVAC upgrade at city hall	\$474,100
Arts Center upgrade (possible HVAC and lighting)	
Automation of systems for police/fire/liquor	
Apple Valley	
Lighting retrofits in city buildings (1 year payback)	\$441.500
GG (-)	+

The EECBG program provides a direct formula allocation of \$10.6 million to the State of Minnesota that is available to cities that are not eligible for formula grants. The State is required to use at least 60% of its allocation for sub-grants to local governments that were not eligible for direct EECBG formula grants. Bills authorizing the state's expenditure of these funds are currently under consideration at the Legislature.

6.4 - Direction On Streetscaping And Discussion Of Design Elements For Cedar Avenue Transitway

Meeting Date:	5/12/09		Fis	scal/FTE Impact:
Item Type:	Regular-Information			None
Division:	PHYSICAL DEVELOP	MENT		Amount included in current budget
Department:	Transportation			Budget amendment requested
Contact:	Mark Krebsbach	Telephone: 952-891-7102		FTE included in current complement
Prepared by:	Kristine Elwood			New FTE(s) requested-N/A
Reviewed by:	N/A	N/A		Other

PURPOSE/ACTION REQUESTED

To provide an opportunity to receive Physical Development Committee direction on streetscaping and discuss design elements for the Cedar Avenue Transitway.

SUMMARY

Dakota County promotes alternative ways to meet existing and future transportation needs of citizens using various transportation modes, including establishing Bus Rapid Transit (BRT) in the Cedar Avenue corridor. With the goal of improving corridor mobility and maximizing the movement of people along the corridor, Dakota County, in cooperation with the City of Apple Valley, the City of Lakeville, Dakota County Regional Rail Authority (DCRRA), Metropolitan Council (council) and the Minnesota Valley Transit Authority (MVTA), has identified the necessary improvements for Cedar Avenue BRT between 181st Street to 138th Street in Apple Valley and Lakeville. The project is currently in final design and anticipated to begin construction in 2010. (Attachment A, map of project area)

Streetscaping

Cedar Avenue and the development of the BRT transitway is unique to other county transportation projects. Because a transitway's success is based on ridership, research shows that ridership increases with the level of service and amenities. Making the area attractive with streetscape is considered an important component as it adds to the customer experience; riders feel good about the choice to ride transit. Streetscaping also connects public transit infrastructure to the adjoining commercial areas and neighborhoods and promotes pedestrian use.

Developing the streetscaping plan includes involvement from our partnering agencies of Apple Valley and Lakeville. Dakota County Project Team staff met with both cities' staff to discuss elements of the streetscaping plan. Project Team staff also met with the Apple Valley City Council on April 9 to get early input into streetscaping through the core of Apple Valley. Staff is planning to meet with the Lakeville City Council in the near future.

The Dakota County 2025 Transportation Plan identifies policies for roadway construction that includes specific language on streetscaping and lighting. The Street Lighting policy is PP.10. The current policy does not allow for County cost participation for relocation of street lighting. Street lighting will have to be relocated with this project. The overall safety and perceived safety of the corridor is important because a well lit transitway feels safe and comfortable for its current and potential users. Current aesthetics policy allows County cost participation up to 3% if matched by local funding. Policy PP. 28 Aesthetics states: Aesthetic elements are limited to areas outside the boulevard of the roadway.

Staff would like to receive direction deviating from the existing policy to facilitate development of Cedar Avenue Transitway streetscape plan. Staff will bring back a final streetscape plan with a cost participation plan for approval at a later date, based on the direction from the Committee at this May 12 meeting.

Design

The Cedar Avenue BRT has unique and challenging design elements. To consider these elements and provide sound recommendations, a value engineering workshop was conducted on April 6 and 7, 2009. The workshop included Transitway consultants with international experience and Dakota County staff. During the workshop, the current design plan was reviewed and design modifications were recommended to decrease the cost, improve safety and improve the project. Staff will provide an update on these recommendations to the Physical Development Committee.

EXPLANATION OF FISCAL/FTE IMPACT

There will be possible impacts based on direction from the County Board. A possible increase to County cost participation for this project could occur.

Supporting Documents:	Previous Board Action(s):
Attachment A - Location Map	- ; - ;
	- -
RESOLUTION	
nformation only; no action requested.	
mormation only, no action requestion.	
Administrator's Comments: □ Recommend Action	Reviewed by (if required): County Attorney's Office
□ Do Not Recommend Action □ Reviewed—No Recommendation □ Reviewed Information Only	Financial Services Risk Management
Reviewed–Information Only Submitted at Commissioner Request	☐ Employee Relations ☐ Information Technology ☐

County Administrator 5/6/2009 12:58 PM Page 2 5/6/2009 12:58 PM Page 2 h:\final pdc\archive - 2009\may 12, 2009\kve5-12-09 cat.doc

